

1                   A bill to be entitled  
2           An act relating to early learning; amending s.  
3           1002.81, F.S.; revising the definition of "at-risk  
4           child"; amending s. 1002.82, F.S.; revising the duties  
5           of the Office of Early Learning; revising the standard  
6           statewide contract for providers; providing that  
7           failing to meet certain measures for a specified  
8           period is cause for termination of a provider;  
9           providing for the development of a program assessment  
10          for school readiness providers; providing program  
11          assessment requirements; requiring the office to set a  
12          payment differential for certain providers; revising  
13          the requirement for an analysis of early learning  
14          activities throughout the state; amending s. 1002.84,  
15          F.S.; conforming a cross-reference; amending s.  
16          1002.85, F.S.; revising the required contents of the  
17          school readiness program plan each early learning  
18          coalition must submit; amending s. 1002.87, F.S.;  
19          revising the priority criteria for participation in  
20          the school readiness program; amending s. 1002.88,  
21          F.S.; revising school readiness provider requirements  
22          for program participation; conforming cross-  
23          references; amending s. 1002.89, F.S.; providing for  
24          the use of specified funds for a required assessment;  
25          amending s. 1002.92, F.S.; conforming a cross-

26 reference; providing an appropriation; providing an  
 27 effective date.

28

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

30

31 Section 1. Paragraph (e) of subsection (1) of section  
 32 1002.81, Florida Statutes, is amended to read:

33 1002.81 Definitions.—Consistent with the requirements of  
 34 45 C.F.R. parts 98 and 99 and as used in this part, the term:

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

36 (e) A child in the custody of a parent who is considered a  
 37 victim of domestic violence and is receiving services through  
 38 ~~residing in~~ a certified domestic violence center.

39 Section 2. Paragraphs (n) through (x) of subsection (2) of  
 40 section 1002.82, Florida Statutes, are redesignated as  
 41 paragraphs (p) through (z), respectively, paragraph (m) of  
 42 subsection (2) and paragraph (a) of subsection (5) are amended,  
 43 and new paragraphs (n) and (o) are added to subsection (2) of  
 44 that section, to read:

45 1002.82 Office of Early Learning; powers and duties.—

46 (2) The office shall:

47 (m) Adopt by rule a standard statewide provider contract  
 48 to be used with each school readiness program provider, with  
 49 standardized attachments by provider type. The office shall  
 50 publish a copy of the standard statewide provider contract on

51 its website. The standard statewide contract shall include, at a  
52 minimum, contracted slots, if applicable, in accordance with the  
53 Child Care and Development Block Grant Act of 2014, 45 C.F.R.  
54 parts 98 and 99; quality improvement strategies, if applicable;  
55 program assessment requirements; and provisions for provider  
56 probation, termination for cause, and emergency termination for  
57 those actions or inactions of a provider that pose an immediate  
58 and serious danger to the health, safety, or welfare of the  
59 children. The standard statewide provider contract shall also  
60 include appropriate due process procedures. During the pendency  
61 of an appeal of a termination, the provider may not continue to  
62 offer its services. Any provision imposed upon a provider that  
63 is inconsistent with, or prohibited by, law is void and  
64 unenforceable. Provisions for termination for cause must include  
65 failure to meet the minimum quality measures established under  
66 paragraph (n) for a period of up to 5 years, unless the  
67 coalition determines that the provider is essential to meeting  
68 capacity needs based on the assessment under s. 1002.85(2)(j)  
69 and the provider has an active improvement plan pursuant to  
70 paragraph (n).

71 (n) Adopt a program assessment for school readiness  
72 program providers that measures the quality of teacher-child  
73 interactions, including emotional and behavioral support,  
74 engaged support for learning, classroom organization, and  
75 instructional support. The program assessment must also include

76 | the adoption of quality measures, including a minimum threshold  
77 | for contracting purposes; a process for program participation;  
78 | exemptions; and improvement through the completion of an  
79 | improvement plan.

80 |       (o) Subject to appropriation, provide for a differential  
81 | payment, based on the quality measures adopted by the office  
82 | under paragraph (n), of up to 10 percent for each care level and  
83 | unit of child care for a child care provider that has completed  
84 | a program assessment and scored above the minimum threshold for  
85 | contracting purposes.

86 |       (5) By January 1 of each year, the office shall annually  
87 | publish on its website a report of its activities conducted  
88 | under this section. The report must include a summary of the  
89 | coalitions' annual reports, a statewide summary, and the  
90 | following:

91 |       (a) An analysis of early learning activities throughout  
92 | the state, including the school readiness program and the  
93 | Voluntary Prekindergarten Education Program.

94 |       1. The total and average number of children served in the  
95 | school readiness program, enumerated by age, eligibility  
96 | priority category, and coalition, and the total number of  
97 | children served in the Voluntary Prekindergarten Education  
98 | Program.

99 |       2. A summary of expenditures by coalition, by fund source,  
100 | including a breakdown by coalition of the percentage of

101 expenditures for administrative activities, quality activities,  
102 nondirect services, and direct services for children.

103 3. A description of the office's and each coalition's  
104 expenditures by fund source for the quality and enhancement  
105 activities described in s. 1002.89(6)(b).

106 4. A summary of annual findings and collections related to  
107 provider fraud and parent fraud.

108 5. Data regarding the coalitions' delivery of early  
109 learning programs.

110 6. The total number of children disenrolled statewide and  
111 the reason for disenrollment.

112 7. The total number of providers by provider type.

113 8. The number of school readiness program providers who  
114 have completed the program assessment required under paragraph  
115 (2)(n); the number of providers who have not met the minimum  
116 threshold for contracting established under to paragraph (2)(n);  
117 and the number of providers that have an active improvement plan  
118 based on the results of the program assessment under paragraph  
119 (2)(n).

120 ~~9.8.~~ The total number of provider contracts revoked and  
121 the reasons for revocation.

122 Section 3. Subsection (4) of section 1002.84, Florida  
123 Statutes, is amended to read:

124 1002.84 Early learning coalitions; school readiness powers  
125 and duties.—Each early learning coalition shall:

126 (4) Establish a regional Warm-Line as directed by the  
127 office pursuant to s. 1002.82(2)(t) ~~s. 1002.82(2)(r)~~. Regional  
128 Warm-Line staff shall provide onsite technical assistance, when  
129 requested, to assist child care facilities and family day care  
130 homes with inquiries relating to the strategies, curriculum, and  
131 environmental adaptations the child care facilities and family  
132 day care homes may need as they serve children with disabilities  
133 and other special needs.

134 Section 4. Paragraphs (c) and (d) of subsection (2) of  
135 section 1002.85, Florida Statutes, are amended, and paragraph  
136 (j) is added to that subsection, to read:

137 1002.85 Early learning coalition plans.—

138 (2) Each early learning coalition must biennially submit a  
139 school readiness program plan to the office before the  
140 expenditure of funds. A coalition may not implement its school  
141 readiness program plan until it receives approval from the  
142 office. A coalition may not implement any revision to its school  
143 readiness program plan until the coalition submits the revised  
144 plan to and receives approval from the office. If the office  
145 rejects a plan or revision, the coalition must continue to  
146 operate under its previously approved plan. The plan must  
147 include, but is not limited to:

148 (c) The coalition's procedures for implementing the  
149 requirements of this part, including:

150 1. Single point of entry.

151           2. Uniform waiting list.

152           3. Eligibility and enrollment processes and local

153 eligibility priorities for children pursuant to s. 1002.87.

154           4. Parent access and choice.

155           5. Sliding fee scale and policies on applying the waiver

156 or reduction of fees in accordance with s. 1002.84(8).

157           6. Use of preassessments and postassessments, as

158 applicable.

159           7. Payment rate schedule.

160           8. Use of contracted slots, as applicable, based on the

161 results of the assessment required under paragraph (j).

162           (d) A detailed description of the coalition's quality

163 activities and services, including, but not limited to:

164           1. Resource and referral and school-age child care.

165           2. Infant and toddler early learning.

166           3. Inclusive early learning programs.

167           4. Quality improvement strategies that strengthen teaching

168 practices and increase child outcomes.

169           (j) An assessment of local priorities within the county or

170 multi-county region based on the needs of families and provider

171 capacity using available community data.

172           Section 5. Subsections (1), (2), (3), and (7) of section

173 1002.87, Florida Statutes, are amended to read:

174           1002.87 School readiness program; eligibility and

175 enrollment.—

176 (1) Each early learning coalition shall give priority for  
 177 participation in the school readiness program as follows:

178 (a) Priority shall be given first to a child younger than  
 179 13 years of age from a family that includes a parent who is  
 180 receiving temporary cash assistance under chapter 414 and  
 181 subject to the federal work requirements.

182 (b) Priority shall be given next to an at-risk child  
 183 younger than 9 years of age.

184 (c) Subsequent priority shall be given, based on the early  
 185 learning coalition's local priorities identified under s.  
 186 1002.85(2)(j), to children who meet the following criteria: ~~next~~  
 187 ~~to~~

188 1. A child from birth to the beginning of the school year  
 189 for which the child is eligible for admission to kindergarten in  
 190 a public school under s. 1003.21(1)(a)2. who is from a working  
 191 family that is economically disadvantaged, and may include such  
 192 child's eligible siblings, beginning with the school year in  
 193 which the sibling is eligible for admission to kindergarten in a  
 194 public school under s. 1003.21(1)(a)2. until the beginning of  
 195 the school year in which the sibling is eligible to begin 6th  
 196 grade, provided that the first priority for funding an eligible  
 197 sibling is local revenues available to the coalition for funding  
 198 direct services.

199 ~~2.(d) Priority shall be given next to~~ A child of a parent  
 200 who transitions from the work program into employment as

201 described in s. 445.032 from birth to the beginning of the  
202 school year for which the child is eligible for admission to  
203 kindergarten in a public school under s. 1003.21(1)(a)2.

204 ~~3.(e) Priority shall be given next to~~ An at-risk child who  
205 is at least 9 years of age but younger than 13 years of age. An  
206 at-risk child whose sibling is enrolled in the school readiness  
207 program within an eligibility priority category listed in  
208 paragraphs (a) and (b) and subparagraph (c)1. ~~-(e)~~ shall be given  
209 priority over other children who are eligible under this  
210 paragraph.

211 ~~4.(f) Priority shall be given next to~~ A child who is  
212 younger than 13 years of age from a working family that is  
213 economically disadvantaged. ~~A child who is eligible under this~~  
214 ~~paragraph whose sibling is enrolled in the school readiness~~  
215 ~~program under paragraph (c) shall be given priority over other~~  
216 ~~children who are eligible under this paragraph.~~

217 ~~5.(g) Priority shall be given next to~~ A child of a parent  
218 who transitions from the work program into employment as  
219 described in s. 445.032 who is younger than 13 years of age.

220 ~~6.(h) Priority shall be given next to~~ A child who has  
221 special needs, has been determined eligible as a student with a  
222 disability, has a current individual education plan with a  
223 Florida school district, and is not younger than 3 years of age.  
224 A special needs child eligible under this paragraph remains  
225 eligible until the child is eligible for admission to

226 kindergarten in a public school under s. 1003.21(1)(a)2.

227 ~~7.(i) Notwithstanding paragraphs (a)-(d), priority shall~~  
228 ~~be given last to~~ A child who otherwise meets one of the  
229 eligibility criteria in paragraphs (a) and (b) and subparagraphs  
230 (c)1. and 2. ~~(d)~~ but who is also enrolled concurrently in the  
231 federal Head Start Program and the Voluntary Prekindergarten  
232 Education Program.

233 (2) A school readiness program provider may be paid only  
234 for authorized hours of care provided for a child in the school  
235 readiness program. A child enrolled in the Voluntary  
236 Prekindergarten Education Program may receive care from the  
237 school readiness program if the child is eligible according to  
238 the eligibility priorities and criteria established in  
239 subsection (1) ~~this section.~~

240 (3) Contingent upon the availability of funds, a coalition  
241 shall enroll eligible children, including those from its waiting  
242 list, according to the eligibility priorities and criteria  
243 established in subsection (1) ~~this section.~~

244 (7) If a coalition disenrolls children from the school  
245 readiness program, the coalition must disenroll the children in  
246 reverse order of the eligibility priorities and criteria listed  
247 in subsection (1) beginning with children from families with the  
248 highest family incomes. A notice of disenrollment must be sent  
249 to the parent and school readiness program provider at least 2  
250 weeks before disenrollment to provide adequate time for the

251 parent to arrange alternative care for the child. However, an  
252 at-risk child may not be disenrolled from the program without  
253 the written approval of the Child Welfare Program Office of the  
254 Department of Children and Families or the community-based lead  
255 agency.

256 Section 6. Paragraphs (h) through (q) of subsection (1) of  
257 section 1002.88, Florida Statutes, are redesignated as  
258 paragraphs (i) through (r), respectively, present paragraphs (m)  
259 and (o) of subsection (1) are amended, and new paragraph (h) is  
260 added to subsection (1) of that section, to read:

261 1002.88 School readiness program provider standards;  
262 eligibility to deliver the school readiness program.—

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

265 (h) Participate in the program assessment under s.  
266 1002.82(2)(n).

267 (n) ~~(m)~~ For a provider that is an informal provider, comply  
268 with the provisions of paragraph (m) ~~paragraph (l)~~ or maintain  
269 homeowner's liability insurance and, if applicable, a business  
270 rider. If an informal provider chooses to maintain a homeowner's  
271 policy, the provider must obtain and retain a homeowner's  
272 insurance policy that provides a minimum of \$100,000 of coverage  
273 per occurrence and a minimum of \$300,000 general aggregate  
274 coverage. The office may authorize lower limits upon request, as  
275 appropriate. An informal provider must add the coalition as a

276 | named certificateholder and as an additional insured. An  
277 | informal provider must provide the coalition with a minimum of  
278 | 10 calendar days' advance written notice of cancellation of or  
279 | changes to coverage. The general liability insurance required by  
280 | this paragraph must remain in full force and effect for the  
281 | entire period of the provider's contract with the coalition.

282 |       (p)~~(o)~~ Notwithstanding paragraph (m) ~~paragraph (l)~~, for a  
283 | provider that is a state agency or a subdivision thereof, as  
284 | defined in s. 768.28(2), agree to notify the coalition of any  
285 | additional liability coverage maintained by the provider in  
286 | addition to that otherwise established under s. 768.28. The  
287 | provider shall indemnify the coalition to the extent permitted  
288 | by s. 768.28.

289 |       Section 7. Paragraph (b) of subsection (6) of section  
290 | 1002.89, Florida Statutes, is amended to read:

291 |       1002.89 School readiness program; funding.—

292 |       (6) Costs shall be kept to the minimum necessary for the  
293 | efficient and effective administration of the school readiness  
294 | program with the highest priority of expenditure being direct  
295 | services for eligible children. However, no more than 5 percent  
296 | of the funds described in subsection (5) may be used for  
297 | administrative costs and no more than 22 percent of the funds  
298 | described in subsection (5) may be used in any fiscal year for  
299 | any combination of administrative costs, quality activities, and  
300 | nondirect services as follows:

301 (b) Activities to improve the quality of child care as  
302 described in 45 C.F.R. s. 98.51, which shall be limited to the  
303 following:

304 1. Developing, establishing, expanding, operating, and  
305 coordinating resource and referral programs specifically related  
306 to the provision of comprehensive consumer education to parents  
307 and the public to promote informed child care choices specified  
308 in 45 C.F.R. s. 98.33.

309 2. Awarding grants and providing financial support to  
310 school readiness program providers and their staff to assist  
311 them in meeting applicable state requirements for the program  
312 assessment required under s. 1002.82(2)(n), child care  
313 performance standards, implementing developmentally appropriate  
314 curricula and related classroom resources that support  
315 curricula, providing literacy supports, and providing continued  
316 professional development and training. Any grants awarded  
317 pursuant to this subparagraph shall comply with ss. 215.971 and  
318 287.058.

319 3. Providing training, technical assistance, and financial  
320 support to school readiness program providers, staff, and  
321 parents on standards, child screenings, child assessments, child  
322 development research and best practices, developmentally  
323 appropriate curricula, character development, teacher-child  
324 interactions, age-appropriate discipline practices, health and  
325 safety, nutrition, first aid, cardiopulmonary resuscitation, the

326 recognition of communicable diseases, and child abuse detection,  
 327 prevention, and reporting.

328 4. Providing, from among the funds provided for the  
 329 activities described in subparagraphs 1.-3., adequate funding  
 330 for infants and toddlers as necessary to meet federal  
 331 requirements related to expenditures for quality activities for  
 332 infant and toddler care.

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

336 6. Responding to Warm-Line requests by providers and  
 337 parents, including providing developmental and health screenings  
 338 to school readiness program children.

339 Section 8. Paragraph (a) of subsection (3) of section  
 340 1002.92, Florida Statutes, is amended to read:

341 1002.92 Child care and early childhood resource and  
 342 referral.—

343 (3) Child care resource and referral agencies shall  
 344 provide the following services:

345 (a) Identification of existing public and private child  
 346 care and early childhood education services, including child  
 347 care services by public and private employers, and the  
 348 development of a resource file of those services through the  
 349 single statewide information system developed by the office  
 350 under s. 1002.82(2)(p) ~~s. 1002.82(2)(n)~~. These services may

351 include family day care, public and private child care programs,  
352 the Voluntary Prekindergarten Education Program, Head Start, the  
353 school readiness program, special education programs for  
354 prekindergarten children with disabilities, services for  
355 children with developmental disabilities, full-time and part-  
356 time programs, before-school and after-school programs, vacation  
357 care programs, parent education, the temporary cash assistance  
358 program, and related family support services. The resource file  
359 shall include, but not be limited to:

- 360 1. Type of program.
- 361 2. Hours of service.
- 362 3. Ages of children served.
- 363 4. Number of children served.
- 364 5. Program information.
- 365 6. Fees and eligibility for services.
- 366 7. Availability of transportation.

367 Section 9. For the 2018-2019 fiscal year, the sum of \$6  
368 million from the Child Care and Development Block Grant Trust  
369 Fund is appropriated to the Office of Early Learning to  
370 implement the provisions of s. 1002.82(2)(n), Florida Statutes,  
371 established by this act.

372 Section 10. This act shall take effect July 1, 2018.