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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 01/30/2018 | . | |
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The Committee on Education (Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) "At-risk child" means:

(e) A child in the custody of a parent who is considered a



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11 victim of domestic violence and is receiving services through
12 ~~residing in~~ a certified domestic violence center.

13 Section 2. Present paragraphs (n) through (x) of subsection
14 (2) of section 1002.82, Florida Statutes, are redesignated as
15 paragraphs (p) through (z), respectively, paragraph (m) of
16 subsection (2) and paragraph (a) of subsection (5) of that
17 section are amended, and new paragraphs (n) and (o) are added to
18 subsection (2) of that section, to read:

19 1002.82 Office of Early Learning; powers and duties.—

20 (2) The office shall:

21 (m) Adopt by rule a standard statewide provider contract to
22 be used with each school readiness program provider, with
23 standardized attachments by provider type. The office shall
24 publish a copy of the standard statewide provider contract on
25 its website. The standard statewide contract shall include, at a
26 minimum, contracted slots, if applicable, in accordance with the
27 Child Care and Development Block Grant Act of 2014, 45 C.F.R.
28 parts 98 and 99; quality improvement strategies, if applicable;
29 program assessment requirements; and provisions for provider
30 probation, termination for cause, and emergency termination for
31 those actions or inactions of a provider that pose an immediate
32 and serious danger to the health, safety, or welfare of the
33 children. The standard statewide provider contract shall also
34 include appropriate due process procedures. During the pendency
35 of an appeal of a termination, the provider may not continue to
36 offer its services. Any provision imposed upon a provider that
37 is inconsistent with, or prohibited by, law is void and
38 unenforceable. Provisions for termination for cause must include
39 failure to meet the minimum quality measures established under



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40 paragraph (n) for a period of up to 5 years, unless the
41 coalition determines that the provider is essential to meeting
42 capacity needs based on the assessment under s. 1002.85(2)(j)
43 and the provider has an active improvement plan pursuant to
44 paragraph (n).

45 (n) Adopt a program assessment for school readiness program
46 providers that measures the quality of teacher-child
47 interactions, including emotional and behavioral support,
48 engaged support for learning, classroom organization, and
49 instructional support. The program assessment must also include
50 the adoption of quality measures, including a minimum threshold
51 for contracting purposes; a process for program participation;
52 exemptions; and improvement through the completion of an
53 improvement plan.

54 (o) Subject to appropriation, provide for a differential
55 payment, based on the quality measures adopted by the office
56 under paragraph (n), of up to 10 percent for each care level and
57 unit of child care for a child care provider that has completed
58 a program assessment and scored above the minimum threshold for
59 contracting purposes.

60 (5) By January 1 of each year, the office shall annually
61 publish on its website a report of its activities conducted
62 under this section. The report must include a summary of the
63 coalitions' annual reports, a statewide summary, and the
64 following:

65 (a) An analysis of early learning activities throughout the
66 state, including the school readiness program and the Voluntary
67 Prekindergarten Education Program.

68 1. The total and average number of children served in the



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69 school readiness program, enumerated by age, eligibility
70 priority category, and coalition, and the total number of
71 children served in the Voluntary Prekindergarten Education
72 Program.

73 2. A summary of expenditures by coalition, by fund source,
74 including a breakdown by coalition of the percentage of
75 expenditures for administrative activities, quality activities,
76 nondirect services, and direct services for children.

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

80 4. A summary of annual findings and collections related to
81 provider fraud and parent fraud.

82 5. Data regarding the coalitions' delivery of early
83 learning programs.

84 6. The total number of children disenrolled statewide and
85 the reason for disenrollment.

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

87 8. The number of school readiness program providers who
88 have completed the program assessment required under paragraph
89 (2)(n); the number of providers who have not met the minimum
90 threshold for contracting established under to paragraph (2)(n);
91 and the number of providers that have an active improvement plan
92 based on the results of the program assessment under paragraph
93 (2)(n).

94 ~~9.8.~~ The total number of provider contracts revoked and the
95 reasons for revocation.

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



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98 1002.84 Early learning coalitions; school readiness powers
99 and duties.—Each early learning coalition shall:

100 (4) Establish a regional Warm-Line as directed by the
101 office pursuant to s. 1002.82(2)(t) ~~s. 1002.82(2)(r)~~. Regional
102 Warm-Line staff shall provide onsite technical assistance, when
103 requested, to assist child care facilities and family day care
104 homes with inquiries relating to the strategies, curriculum, and
105 environmental adaptations the child care facilities and family
106 day care homes may need as they serve children with disabilities
107 and other special needs.

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

111 1002.85 Early learning coalition plans.—

112 (2) Each early learning coalition must biennially submit a
113 school readiness program plan to the office before the
114 expenditure of funds. A coalition may not implement its school
115 readiness program plan until it receives approval from the
116 office. A coalition may not implement any revision to its school
117 readiness program plan until the coalition submits the revised
118 plan to and receives approval from the office. If the office
119 rejects a plan or revision, the coalition must continue to
120 operate under its previously approved plan. The plan must
121 include, but is not limited to:

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

- 124 1. Single point of entry.
125 2. Uniform waiting list.
126 3. Eligibility and enrollment processes and local



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127 eligibility priorities for children pursuant to s. 1002.87.

128 4. Parent access and choice.

129 5. Sliding fee scale and policies on applying the waiver or
130 reduction of fees in accordance with s. 1002.84(8).

131 6. Use of preassessments and postassessments, as
132 applicable.

133 7. Payment rate schedule.

134 8. Use of contracted slots, as applicable, based on the
135 results of the assessment required under paragraph (j).

136 (d) A detailed description of the coalition's quality
137 activities and services, including, but not limited to:

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

139 2. Infant and toddler early learning.

140 3. Inclusive early learning programs.

141 4. Quality improvement strategies that strengthen teaching
142 practices and increase child outcomes.

143 (j) An assessment of local priorities within the county or
144 multicounty region based on the needs of families and provider
145 capacity using available community data.

146 Section 5. Subsections (1), (2), (3), and (7) of section
147 1002.87, Florida Statutes, are amended to read:

148 1002.87 School readiness program; eligibility and
149 enrollment.—

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

152 (a) Priority shall be given first to a child younger than
153 13 years of age from a family that includes a parent who is
154 receiving temporary cash assistance under chapter 414 and
155 subject to the federal work requirements.



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

158 (c) Subsequent priority shall be given, based on the early
159 learning coalition's local priorities identified under s.
160 1002.85(2)(j), to children who meet the following criteria: next
161 to

162 1. A child from birth to the beginning of the school year
163 for which the child is eligible for admission to kindergarten in
164 a public school under s. 1003.21(1)(a)2. who is from a working
165 family that is economically disadvantaged, and may include such
166 child's eligible siblings, beginning with the school year in
167 which the sibling is eligible for admission to kindergarten in a
168 public school under s. 1003.21(1)(a)2. until the beginning of
169 the school year in which the sibling is eligible to begin 6th
170 grade, provided that the first priority for funding an eligible
171 sibling is local revenues available to the coalition for funding
172 direct services.

173 ~~2.(d) Priority shall be given next to~~ A child of a parent
174 who transitions from the work program into employment as
175 described in s. 445.032 from birth to the beginning of the
176 school year for which the child is eligible for admission to
177 kindergarten in a public school under s. 1003.21(1)(a)2.

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



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185 ~~4.(f) Priority shall be given next to~~ A child who is
186 younger than 13 years of age from a working family that is
187 economically disadvantaged. ~~A child who is eligible under this~~
188 ~~paragraph whose sibling is enrolled in the school readiness~~
189 ~~program under paragraph (c) shall be given priority over other~~
190 ~~children who are eligible under this paragraph.~~

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

194 ~~6.(h) Priority shall be given next to~~ A child who has
195 special needs, has been determined eligible as a student with a
196 disability, has a current individual education plan with a
197 Florida school district, and is not younger than 3 years of age.
198 A special needs child eligible under this paragraph remains
199 eligible until the child is eligible for admission to
200 kindergarten in a public school under s. 1003.21(1)(a)2.

201 ~~7.(i) Notwithstanding paragraphs (a)-(d), priority shall be~~
202 ~~given last to~~ A child who otherwise meets one of the eligibility
203 criteria in paragraphs (a) and (b) and subparagraphs (c)1. and
204 2. (a)-(d) but who is also enrolled concurrently in the federal
205 Head Start Program and the Voluntary Prekindergarten Education
206 Program.

207 (2) A school readiness program provider may be paid only
208 for authorized hours of care provided for a child in the school
209 readiness program. A child enrolled in the Voluntary
210 Prekindergarten Education Program may receive care from the
211 school readiness program if the child is eligible according to
212 the eligibility priorities and criteria established in
213 subsection (1) this section.



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214 (3) Contingent upon the availability of funds, a coalition
215 shall enroll eligible children, including those from its waiting
216 list, according to the eligibility priorities and criteria
217 established in subsection (1) this section.

218 (7) If a coalition disenrolls children from the school
219 readiness program, the coalition must disenroll the children in
220 reverse order of the eligibility priorities and criteria listed
221 in subsection (1) beginning with children from families with the
222 highest family incomes. A notice of disenrollment must be sent
223 to the parent and school readiness program provider at least 2
224 weeks before disenrollment to provide adequate time for the
225 parent to arrange alternative care for the child. However, an
226 at-risk child may not be disenrolled from the program without
227 the written approval of the Child Welfare Program Office of the
228 Department of Children and Families or the community-based lead
229 agency.

230 Section 6. Present paragraphs (h) through (q) of subsection
231 (1) of section 1002.88, Florida Statutes, are redesignated as
232 paragraphs (i) through (r), respectively, present paragraphs (m)
233 and (o) of subsection (1) of that section are amended, and a new
234 paragraph (h) is added to subsection (1) of that section, to
235 read:

236 1002.88 School readiness program provider standards;
237 eligibility to deliver the school readiness program.-

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

240 (h) Participate in the program assessment under s.
241 1002.82(2)(n).

242 (n) ~~(m)~~ For a provider that is an informal provider, comply



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243 with the provisions of paragraph (m) ~~(l)~~ or maintain homeowner's
244 liability insurance and, if applicable, a business rider. If an
245 informal provider chooses to maintain a homeowner's policy, the
246 provider must obtain and retain a homeowner's insurance policy
247 that provides a minimum of \$100,000 of coverage per occurrence
248 and a minimum of \$300,000 general aggregate coverage. The office
249 may authorize lower limits upon request, as appropriate. An
250 informal provider must add the coalition as a named
251 certificateholder and as an additional insured. An informal
252 provider must provide the coalition with a minimum of 10
253 calendar days' advance written notice of cancellation of or
254 changes to coverage. The general liability insurance required by
255 this paragraph must remain in full force and effect for the
256 entire period of the provider's contract with the coalition.

257 (p) ~~(e)~~ Notwithstanding paragraph (m) ~~(l)~~, for a provider
258 that is a state agency or a subdivision thereof, as defined in
259 s. 768.28(2), agree to notify the coalition of any additional
260 liability coverage maintained by the provider in addition to
261 that otherwise established under s. 768.28. The provider shall
262 indemnify the coalition to the extent permitted by s. 768.28.

263 Section 7. Paragraph (b) of subsection (6) of section
264 1002.89, Florida Statutes, is amended to read:

265 1002.89 School readiness program; funding.—

266 (6) Costs shall be kept to the minimum necessary for the
267 efficient and effective administration of the school readiness
268 program with the highest priority of expenditure being direct
269 services for eligible children. However, no more than 5 percent
270 of the funds described in subsection (5) may be used for
271 administrative costs and no more than 22 percent of the funds



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272 described in subsection (5) may be used in any fiscal year for
273 any combination of administrative costs, quality activities, and
274 nondirect services as follows:

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

278 1. Developing, establishing, expanding, operating, and
279 coordinating resource and referral programs specifically related
280 to the provision of comprehensive consumer education to parents
281 and the public to promote informed child care choices specified
282 in 45 C.F.R. s. 98.33.

283 2. Awarding grants and providing financial support to
284 school readiness program providers and their staff to assist
285 them in meeting applicable state requirements for the program
286 assessment required under s. 1002.82(2)(n), child care
287 performance standards, implementing developmentally appropriate
288 curricula and related classroom resources that support
289 curricula, providing literacy supports, and providing continued
290 professional development and training. Any grants awarded
291 pursuant to this subparagraph shall comply with ss. 215.971 and
292 287.058.

293 3. Providing training, technical assistance, and financial
294 support to school readiness program providers, staff, and
295 parents on standards, child screenings, child assessments, child
296 development research and best practices, developmentally
297 appropriate curricula, character development, teacher-child
298 interactions, age-appropriate discipline practices, health and
299 safety, nutrition, first aid, cardiopulmonary resuscitation, the
300 recognition of communicable diseases, and child abuse detection,



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301 prevention, and reporting.

302 4. Providing, from among the funds provided for the
303 activities described in subparagraphs 1.-3., adequate funding
304 for infants and toddlers as necessary to meet federal
305 requirements related to expenditures for quality activities for
306 infant and toddler care.

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

310 6. Responding to Warm-Line requests by providers and
311 parents, including providing developmental and health screenings
312 to school readiness program children.

313 Section 8. Paragraph (a) of subsection (3) of section
314 1002.92, Florida Statutes, is amended to read:

315 1002.92 Child care and early childhood resource and
316 referral.—

317 (3) Child care resource and referral agencies shall provide
318 the following services:

319 (a) Identification of existing public and private child
320 care and early childhood education services, including child
321 care services by public and private employers, and the
322 development of a resource file of those services through the
323 single statewide information system developed by the office
324 under s. 1002.82(2)(p) ~~s. 1002.82(2)(n)~~. These services may
325 include family day care, public and private child care programs,
326 the Voluntary Prekindergarten Education Program, Head Start, the
327 school readiness program, special education programs for
328 prekindergarten children with disabilities, services for
329 children with developmental disabilities, full-time and part-



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330 time programs, before-school and after-school programs, vacation
331 care programs, parent education, the temporary cash assistance
332 program, and related family support services. The resource file
333 shall include, but not be limited to:

- 334 1. Type of program.
- 335 2. Hours of service.
- 336 3. Ages of children served.
- 337 4. Number of children served.
- 338 5. Program information.
- 339 6. Fees and eligibility for services.
- 340 7. Availability of transportation.

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

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

347
348 ===== T I T L E A M E N D M E N T =====

349 And the title is amended as follows:

350 Delete everything before the enacting clause
351 and insert:

352 A bill to be entitled
353 An act relating to early learning; amending s.
354 1002.81, F.S.; revising the definition of "at-risk
355 child"; amending s. 1002.82, F.S.; revising the duties
356 of the Office of Early Learning; revising the standard
357 statewide contract for providers; providing that
358 failing to meet certain measures for a specified



359 period is cause for termination of a provider;
360 providing for the development of a program assessment
361 for school readiness providers; providing program
362 assessment requirements; requiring the office to set a
363 payment differential for certain providers; revising
364 the requirement for an analysis of early learning
365 activities throughout the state; amending s. 1002.84,
366 F.S.; conforming a cross-reference; amending s.
367 1002.85, F.S.; revising the required contents of the
368 school readiness program plan each early learning
369 coalition must submit; amending s. 1002.87, F.S.;
370 revising the priority criteria for participation in
371 the school readiness program; amending s. 1002.88,
372 F.S.; revising school readiness provider requirements
373 for program participation; conforming cross-
374 references; amending s. 1002.89, F.S.; providing for
375 the use of specified funds for a required assessment;
376 amending s. 1002.92, F.S.; conforming a cross-
377 reference; providing an appropriation; providing an
378 effective date.