

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Grall offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (d) of subsection (2) and paragraph  
 7 (a) of subsection (7) of section 1002.82, Florida Statutes, are  
 8 amended to read:

9 1002.82 Department of Education; powers and duties.—

10 (2) The department shall:

11 (d) Establish procedures for the annual ~~biennial~~  
 12 calculation of the prevailing market rate and procedures for the  
 13 annual collection of data to support the calculation of the cost  
 14 of care pursuant to s. 1002.90 ~~or an alternative model that has~~  
 15 ~~been approved by the Administration for Children and Families~~  
 16 ~~pursuant to 45 C.F.R. s. 98.45(c).~~

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17 (7) By January 1 of each year, the department shall  
18 annually publish on its website a report of its activities  
19 conducted under this section. The report must include a summary  
20 of the coalitions' annual reports, a statewide summary, and the  
21 following:

22 (a) An analysis of early learning activities throughout  
23 the state, including the school readiness program and the  
24 Voluntary Prekindergarten Education Program.

25 1. The total and average number of children served in the  
26 school readiness program, enumerated by age, eligibility  
27 priority category, and coalition, and the total number of  
28 children served in the Voluntary Prekindergarten Education  
29 Program.

30 2. A summary of expenditures by coalition, by fund source,  
31 including a breakdown by coalition of the percentage of  
32 expenditures for administrative activities, quality activities,  
33 nondirect services, and direct services for children.

34 3. A description of the department's and each coalition's  
35 expenditures by fund source for the quality and enhancement  
36 activities described in s. 1002.89(4)(b) ~~s. 1002.89(5)(b)~~.

37 4. A summary of annual findings and collections related to  
38 provider fraud and parent fraud.

39 5. Data regarding the coalitions' delivery of early  
40 learning programs.

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41 6. The total number of children disenrolled statewide and  
42 the reason for disenrollment.

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

44 8. The number of school readiness program providers who  
45 have completed the program assessment required under paragraph  
46 (2)(n); the number of providers who have not met the minimum  
47 program assessment composite score for contracting established  
48 under paragraph (2)(n); and the number of providers that have an  
49 active improvement plan based on the results of the program  
50 assessment under paragraph (2)(n).

51 9. The total number of provider contracts revoked and the  
52 reasons for revocation.

53 Section 2. Subsection (17) of section 1002.84, Florida  
54 Statutes, is amended to read:

55 1002.84 Early learning coalitions; school readiness powers  
56 and duties.—Each early learning coalition shall:

57 (17)(a) Distribute the school readiness program funds as  
58 allocated in the General Appropriations Act to the eligible  
59 providers using the following methodology:

60 1. For each county in the early learning coalition,  
61 multiply the cost of care by care level as provided in s.  
62 1002.90 by the county's district cost differential provided in  
63 s. 1011.62(2).

64 2. If a county enacted a local ordinance prior to

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65 January 1, 2022, that establishes the county's staff-to-children  
66 ratio for licensed child care facilities below the ratio  
67 established in s. 402.305(4), multiply the provider  
68 reimbursement rates for that county by the adjustment factor  
69 specified in the General Appropriations Act.

70 3. Apply the weight established pursuant to s. 1002.90 for  
71 each provider type to calculate the minimum provider  
72 reimbursement rates by care level.

73 4. Multiply the weighted provider reimbursement rates by  
74 22 percent to determine the amount of the school readiness  
75 allocation an early learning coalition is eligible to retain  
76 pursuant to s. 1002.89(4).

77 (b) Each early learning coalition shall distribute to each  
78 eligible provider the minimum provider reimbursement rate, by  
79 provider type and care level, regardless of the provider's  
80 private pay rate. All minimum provider reimbursement rates  
81 shall be charged as direct services pursuant to s. 1002.89.

82 (c) Each early learning coalition with approved minimum  
83 provider reimbursement rates for the infant to age 5 care levels  
84 that are higher than the minimum provider reimbursement rates  
85 established in this subsection may continue to implement their  
86 approved minimum provider reimbursement rates until the rates  
87 established in this subsection exceed their approved rates ~~Adopt~~  
88 ~~a payment schedule that encompasses all programs funded under~~  
89 ~~this part and part V of this chapter. The payment schedule must~~

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90 ~~take into consideration the prevailing market rate or an~~  
91 ~~alternative model that has been approved by the Administration~~  
92 ~~for Children and Families pursuant to 45 C.F.R. s. 98.45(c),~~  
93 ~~include the projected number of children to be served, and be~~  
94 ~~submitted for approval by the department. Informal child care~~  
95 ~~arrangements shall be reimbursed at not more than 50 percent of~~  
96 ~~the rate adopted for a family day care home.~~

97 Section 3. Paragraphs (a), (b), and (c) of subsection (2)  
98 of section 1002.85, Florida Statutes, are amended to read:

99 1002.85 Early learning coalition plans.—

100 (2) Each early learning coalition must biennially submit a  
101 school readiness program plan to the department before the  
102 expenditure of funds. A coalition may not implement its school  
103 readiness program plan until it receives approval from the  
104 department. A coalition may not implement any revision to its  
105 school readiness program plan until the coalition submits the  
106 revised plan to and receives approval from the department. If  
107 the department rejects a plan or revision, the coalition must  
108 continue to operate under its previously approved plan. The plan  
109 must include, but is not limited to:

110 (a) The coalition's operations, including its membership  
111 and business organization, and the coalition's articles of  
112 incorporation and bylaws if the coalition is organized as a  
113 corporation. If the coalition is not organized as a corporation

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114 or other business entity, the plan must include the contract  
115 with a fiscal agent.

116 ~~(b) The minimum number of children to be served by care~~  
117 ~~level.~~

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

120 1. Single point of entry.

121 2. Uniform waiting list.

122 3. Eligibility and enrollment processes and local  
123 eligibility priorities for children pursuant to s. 1002.87.

124 4. Parent access and choice.

125 5. Sliding fee scale and policies on applying the waiver  
126 or reduction of fees in accordance with s. 1002.84(9).

127 6. Use of preassessments and postassessments, as  
128 applicable.

129 ~~7. Payment rate schedule.~~

130 ~~7.8.~~ Use of contracted slots, as applicable, based on the  
131 results of the assessment required under paragraph (j).

132 Section 4. Section 1002.89, Florida Statutes, is amended  
133 to read:

134 1002.89 School readiness program; funding.—

135 (1) DETERMINATION OF EARLY LEARNING COALITION SCHOOL  
136 READINESS PROGRAM FUNDING.—Funding for the school readiness  
137 program shall be used by ~~allocated among~~ the early learning

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138 coalitions in accordance with this part section and the General  
139 Appropriations Act.

140 (a) School readiness program allocation.—If the annual  
141 allocation for the school readiness program is not determined in  
142 the General Appropriations Act or the substantive bill  
143 implementing the General Appropriations Act, it shall be  
144 determined as follows:

145 1. For each county in the early learning coalition, the  
146 total school readiness eligible population, as adopted by the  
147 Early Learning Programs Estimating Conference pursuant to s.  
148 216.136(8), shall be multiplied by the county's district cost  
149 differential provided in s. 1011.62(2).

150 2. If a county passed a local ordinance prior to January  
151 1, 2022, that establishes the county's staff-to-children ratio  
152 for licensed child care facilities below the ratio established  
153 in s. 402.305(4), multiply the product calculated in  
154 subparagraph 1. by the adjustment factor specified in the  
155 General Appropriations Act.

156 3. Each county's school readiness allocation shall be  
157 based on the county's proportionate share of the total adjusted  
158 eligible school readiness population.

159 (b) Gold Seal quality care allocation.—There is created  
160 the gold seal quality care allocation to provide eligible school  
161 readiness program providers the rate differential established  
162 pursuant to s. 1002.945(6). Subject to legislative

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163 appropriation, all expenditures from the gold seal quality care  
164 allocation shall be used by the department to help meet federal  
165 targeted requirements for improving quality to the extent  
166 allowable in the state's approved Child Care and Development  
167 Fund Plan.

168 (c) Differential payment program allocation.—There is  
169 created the differential payment program allocation to provide  
170 eligible school readiness program providers the differential pay  
171 established pursuant to s. 1002.82(2)(o). Subject to  
172 legislative appropriation, all expenditures from the  
173 differential pay program allocation shall be used by the  
174 department to help meet federal targeted requirements for  
175 improving quality to the extent allowable in the state's  
176 approved Child Care and Development Fund Plan.

177 (d) Special needs differential allocation.—There is  
178 created the special needs differential allocation to assist  
179 eligible school readiness program providers to implement the  
180 special needs rate provisions defined in the state's approved  
181 Child Care and Development Fund Plan. Subject to legislative  
182 appropriation, each early learning coalition shall be reimbursed  
183 based on actual expenditures. All expenditures from the special  
184 needs differential allocation shall be used by the department to  
185 help meet federal targeted requirements for improving quality to  
186 the extent allowable in the state's approved plan.

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187 (2) INSTRUCTION REQUIREMENTS.—All instructions to early  
188 learning coalitions for administering this section shall emanate  
189 from the department in accordance with the policies of the  
190 Legislature.

191 ~~(3) All cost savings and all revenues received through a~~  
192 ~~mandatory sliding fee scale shall be used to increase the number~~  
193 ~~of children served.~~

194 (3)-(4) MATCHING FUND REQUIREMENTS.—All state, federal, and  
195 local matching funds provided to an early learning coalition for  
196 purposes of this section shall be used for implementation of its  
197 approved school readiness program plan, including the hiring of  
198 staff to effectively operate the school readiness program.

199 (4)-(5) COST REQUIREMENTS.—Costs shall be kept to the  
200 minimum necessary for the efficient and effective administration  
201 of the school readiness program with the highest priority of  
202 expenditure being direct services for eligible children.  
203 However, no more than 5 percent of the funds allocated in  
204 subsection (1) (a) described in subsection (4) may be used for  
205 administrative costs and no more than 22 percent of the funds  
206 allocated in subsection (1) (a) described in subsection (4) may  
207 be used in any fiscal year for any combination of administrative  
208 costs, quality activities, and nondirect services as follows:

209 (a) Administrative costs as described in 45 C.F.R. s.  
210 98.54, which shall include monitoring providers using the  
211 standard methodology adopted under s. 1002.82 to improve

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212 compliance with state and federal regulations and law pursuant  
213 to the requirements of the statewide provider contract adopted  
214 under s. 1002.82(2) (m) .

215 (b) Activities to improve the quality of child care as  
216 described in 45 C.F.R. s. 98.53, which shall be limited to the  
217 following:

218 1. Developing, establishing, expanding, operating, and  
219 coordinating resource and referral programs specifically related  
220 to the provision of comprehensive consumer education to parents  
221 and the public to promote informed child care choices specified  
222 in 45 C.F.R. s. 98.33.

223 2. Awarding grants and providing financial support to  
224 school readiness program providers and their staff to assist  
225 them in meeting applicable state requirements for the program  
226 assessment required under s. 1002.82(2)(n), child care  
227 performance standards, implementing developmentally appropriate  
228 curricula and related classroom resources that support  
229 curricula, providing literacy supports, and providing continued  
230 professional development and training. Any grants awarded  
231 pursuant to this subparagraph shall comply with ss. 215.971 and  
232 287.058.

233 3. Providing training, technical assistance, and financial  
234 support to school readiness program providers, staff, and  
235 parents on standards, child screenings, child assessments, child  
236 development research and best practices, developmentally

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237 appropriate curricula, character development, teacher-child  
238 interactions, age-appropriate discipline practices, health and  
239 safety, nutrition, first aid, cardiopulmonary resuscitation, the  
240 recognition of communicable diseases, and child abuse detection,  
241 prevention, and reporting.

242 4. Providing, from among the funds provided for the  
243 activities described in subparagraphs 1.-3., adequate funding  
244 for infants and toddlers as necessary to meet federal  
245 requirements related to expenditures for quality activities for  
246 infant and toddler care.

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

250 6. Responding to Warm-Line requests by providers and  
251 parents, including providing developmental and health screenings  
252 to school readiness program children.

253 (c) Nondirect services as described in applicable Office  
254 of Management and Budget instructions are those services not  
255 defined as administrative, direct, or quality services that are  
256 required to administer the school readiness program. Such  
257 services include, but are not limited to:

258 1. Assisting families to complete the required application  
259 and eligibility documentation.

260 2. Determining child and family eligibility.

261 3. Recruiting eligible child care providers.

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262 4. Processing and tracking attendance records.

263 5. Developing and maintaining a statewide child care  
264 information system.

265  
266 As used in this paragraph, the term "nondirect services" does  
267 not include payments to school readiness program providers for  
268 direct services provided to children who are eligible under s.  
269 1002.87, administrative costs as described in paragraph (a), or  
270 quality activities as described in paragraph (b).

271 ~~(5)-(6)~~ LIMITATION ON THE USE OF PROGRAM FUNDS.—Funds  
272 appropriated for the school readiness program may not be  
273 expended for the purchase or improvement of land; for the  
274 purchase, construction, or permanent improvement of any building  
275 or facility; or for the purchase of buses. However, funds may be  
276 expended for minor remodeling and upgrading of child care  
277 facilities which is necessary for the administration of the  
278 program and to ensure that providers meet state and local child  
279 care standards, including applicable health and safety  
280 requirements.

281 Section 5. Section 1002.895, Florida Statutes, is amended  
282 to read:

283 1002.895 Market rate schedule.—The school readiness  
284 program market rate schedule shall be implemented as follows:

285 (1) The department shall establish procedures for the  
286 adoption of a market rate schedule ~~until an alternative model~~

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287 ~~that has been approved by the Administration for Children and~~  
288 ~~Families pursuant to 45 C.F.R. s. 98.45(c) is available for~~  
289 ~~adoption.~~ The schedule must include, at a minimum, county-by-  
290 county rates:

291 (a) The market rate, including the minimum and the maximum  
292 rates for child care providers that hold a Gold Seal Quality  
293 Care designation under s. 1002.945 and adhere to its accrediting  
294 association's teacher-to-child ratios and group size  
295 requirements.

296 (b) The market rate for child care providers that do not  
297 hold a Gold Seal Quality Care designation.

298 (2) The market rate schedule, ~~at a minimum,~~ must  
299 differentiate rates by provider type, including but not limited  
300 to:

301 ~~Differentiate rates by type, including, but not~~  
302 ~~limited to, a Child care providers provider that hold holds a~~  
303 Gold Seal Quality Care designation under s. 1002.945 and adhere  
304 ~~adheres~~ to its accrediting association's teacher-to-child ratios  
305 and group size requirements; ~~— a~~

306 (b) Child care providers facility licensed under s.  
307 402.305, a ~~public or nonpublic school exempt from licensure~~  
308 under s. 402.3025, a faith-based child care provider facility  
309 exempt from licensure under s. 402.316 that does not hold a Gold  
310 Seal Quality Care designation, a large family child care home

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311 licensed under s. 402.3131, that does not hold a Gold Seal  
312 Quality Care designation;

313 (c) Public or nonpublic schools exempt from licensure  
314 under s. 402.3025;

315 (d) ~~or a~~ Family day care homes ~~home~~ licensed or registered  
316 under s. 402.313; and

317 (e) Large family child care homes licensed under s.  
318 402.3131.

319 (2)~~(b)~~ The market rate schedule must differentiate rates  
320 by the type of child care services provided for children with  
321 special needs or risk categories, infants, toddlers, 2-year-old  
322 children, 3-year-old children, 4-year-old children, 5-year-old  
323 ~~preschool-age~~ children, and school-age children.

324 (3)~~(e)~~ The market rate schedule must differentiate rates  
325 between full-time and part-time child care services and consider  
326 discounted rates for child care services for multiple children  
327 in a single family.

328 ~~(d) Consider discounted rates for child care services for~~  
329 ~~multiple children in a single family.~~

330 (4)~~(3)~~ The market rate schedule must be based exclusively  
331 on the prices charged for child care services.

332 ~~(4) The market rate schedule shall be considered by an~~  
333 ~~early learning coalition in the adoption of a payment schedule.~~  
334 ~~The payment schedule must take into consideration the prevailing~~  
335 ~~market rate and include the projected number of children to be~~

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336 ~~served by each county and be submitted for approval by the~~  
337 ~~department. Informal child care arrangements shall be reimbursed~~  
338 ~~at not more than 50 percent of the rate adopted for a family day~~  
339 ~~care home.~~

340 (5) The department shall establish procedures to annually  
341 collect data regarding the cost of care to include, but not  
342 limited to:

343 (a) Data from the Department of Economic Opportunity's  
344 Bureau of Workforce Statistics and Economic Research on the  
345 average salary for child care personnel to include at a minimum  
346 child care instructors and child care directors.

347 (b) Data from child care providers as part of data  
348 collected under s. 1002.92(4), to include at a minimum, the  
349 average annual cost of materials and curriculum, the average  
350 annual cost of food and maintenance costs, and the average  
351 annual cost of any regulatory fees or operational costs per  
352 child.

353 (6) The department shall provide all applicable data  
354 collected in this section to the Early Learning Programs  
355 Estimating Conference established pursuant to s. 216.136(8).

356 ~~(7)-(5)~~ The department may contract with one or more  
357 qualified entities to administer this section and provide  
358 support and technical assistance for child care providers.

359 ~~(8)-(6)~~ The department may adopt rules for establishing  
360 procedures for the collection of child care providers' market

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361 rate, the calculation of the prevailing market rate by program  
362 care level and provider type in a predetermined geographic  
363 market, and the publication of the market rate schedule.

364 Section 6. Section 1002.90, Florida Statutes, is created  
365 to read:

366 1002.90.—School Readiness Cost of Care Information.—  
367 Annually, the principals of the Early Learning Programs  
368 Estimating Conference established in s. 216.136 shall develop  
369 official cost of care information based on actual school  
370 readiness direct services program expenditures and information  
371 provided pursuant to s. 1002.895. Conference principals shall  
372 agree on the cost of child care by care level and provider type,  
373 the provider type weights, and the methods of computation. The  
374 Department of Education shall provide the conference principals  
375 with all requested and necessary data to develop such  
376 information. The data may include a matrix by early learning  
377 coalition of any full-time equivalent changes made by the  
378 division as part of its administration of the school readiness  
379 program. The Early Learning Programs Estimating Conference  
380 shall provide the official cost of care information to the  
381 Legislature at least 90 days before the scheduled annual  
382 legislative session.

383 Section 7. Subsection (4) of section 1002.92, Florida  
384 Statutes, is amended to read:

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385 1002.92 Child care and early childhood resource and  
386 referral.—

387 (4) A child care facility licensed under s. 402.305 and  
388 licensed and registered family day care homes must provide the  
389 statewide child care and resource and referral network with the  
390 following information annually:

- 391 (a) Type of program.
- 392 (b) Hours of service.
- 393 (c) Ages of children served.
- 394 (d) Fees and eligibility for services.
- 395 (e) Data required pursuant to s. 1002.895.

396 Section 8. This act shall take effect July 1, 2022.

397 -----

398 **T I T L E A M E N D M E N T**

399 Remove lines 3-17 and insert:

400 program; amending s. 1002.82, F.S.; requiring the Department of  
401 Education to establish procedures for the annual collection of  
402 the cost of care data and conforming cross-reference to changes  
403 made by the act; amending s. 1002.84, F.S.; providing for the  
404 distribution methodology for the school readiness program funds  
405 to the eligible providers; amending s. 1002.85, F.S.; revising  
406 the provisions of the school readiness plan submitted by early  
407 learning coalitions; amending s. 1002.89, F.S.; providing for  
408 the determination of school readiness programs funding for each  
409 early learning coalition; providing requirements for such

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1199 (2022)

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410 funding calculations; amending s. 1002.895, F.S.; providing for  
411 the determination of the market rate schedule; requiring the  
412 Department of Education to establish annual procedures for the  
413 collection of data; creating s. 1002.90, F.S.; requiring the  
414 principals of the Early Learning Programs Estimating Conference  
415 to annually develop official cost-of-care information; providing  
416 requirements for conference principals; requiring the Department  
417 of Education to provide conference principals with specified  
418 data; requiring the conference to annually provide the official  
419 cost-of-care data to the Legislature by a specified date;  
420 amending s. 1002.92, F.S.; requiring specified child care  
421 facility to provide data requiring pursuant to s. 1002.895,  
422 F.S., to the statewide child care and resource and referral  
423 network; providing an effective date.

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