1	A bill to be entitled
2	An act relating to funding for the school readiness
3	program; amending s. 1002.81, F.S.; conforming a
4	cross-reference to changes made by the act; amending
5	s. 1002.82, F.S.; requiring the Department of
6	Education to establish procedures for the annual
7	calculation of the prevailing market rate and the
8	annual collection of certain data; conforming cross-
9	references to changes made by the act; amending s.
10	1002.84, F.S.; establishing the distribution
11	methodology that early learning coalitions must use to
12	distribute school readiness program funds to eligible
13	providers; providing requirements for early learning
14	coalitions; amending s. 1002.85, F.S.; revising the
15	requirements for the school readiness program plan
16	submitted to the department by early learning
17	coalitions; amending s. 1002.87, F.S.; conforming a
18	cross-reference to changes made by the act; amending
19	s. 1002.89, F.S.; providing for the determination of
20	school readiness program funding for early learning
21	coalitions; providing requirements for such funding
22	calculations; amending s. 1002.895, F.S.; providing
23	for the determination of the market rate schedule;
24	requiring the department to establish procedures for
25	the annual collection of specified data; requiring the
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26 department to provide certain data to the Early 27 Learning Programs Estimating Conference; creating s. 28 1002.90, F.S.; requiring the principals of the conference to annually develop official cost-of-care 29 information; providing requirements for conference 30 principals; requiring the department to provide 31 32 conference principals with specified data; requiring 33 the conference to annually provide the official cost-34 of-care information to the Legislature by a specified date; amending s. 1002.92, F.S.; requiring certain 35 36 child care facilities to annually provide specified data to the statewide child care and resource and 37 38 referral network; providing an effective date. 39 40 Be It Enacted by the Legislature of the State of Florida: 41 Subsection (4) of section 1002.81, Florida 42 Section 1. 43 Statutes, is amended to read: 1002.81 Definitions.-Consistent with the requirements of 44 45 45 C.F.R. parts 98 and 99 and as used in this part, the term: 46 (4)"Direct enhancement services" means services for 47 families and children that are in addition to payments for the 48 placement of children in the school readiness program. Direct 49 enhancement services for families and children may include supports for providers, parent training and involvement 50

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activities, and strategies to meet the needs of unique populations and local eligibility priorities. Direct enhancement services offered by an early learning coalition shall be consistent with the activities prescribed in <u>s. 1002.89(4)(b)</u> <del>s.</del> 1002.89(5)(b).

56 Section 2. Paragraphs (d), (m), and (p) of subsection (2) 57 and paragraph (a) of subsection (7) of section 1002.82, Florida 58 Statutes, are amended to read:

59

60

1002.82 Department of Education; powers and duties.-

(2) The department shall:

(d) Establish procedures for the <u>annual biennial</u>
calculation of the prevailing market rate <u>and procedures for the</u>
<u>annual collection of data to support the calculation of the cost</u>
<u>of care pursuant to s. 1002.90</u> or an alternative model that has
<u>been approved by the Administration for Children and Families</u>
<del>pursuant to 45 C.F.R. s. 98.45(c)</del>.

Provide technical support to an early learning 67 (m) 68 coalition to facilitate the use of a standard statewide provider 69 contract adopted by the department to be used with each school 70 readiness program provider, with standardized attachments by 71 provider type. The department shall publish a copy of the standard statewide provider contract on its website. The 72 73 standard statewide contract shall include, at a minimum, 74 contracted slots, if applicable, in accordance with the Child Care and Development Block Grant Act of 2014, 45 C.F.R. parts 98 75

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76 and 99; quality improvement strategies, if applicable; program 77 assessment requirements; and provisions for provider probation, 78 termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and 79 serious danger to the health, safety, or welfare of the 80 children. The standard statewide provider contract shall also 81 82 include appropriate due process procedures. During the pendency 83 of an appeal of a termination, the provider may not continue to 84 offer its services. Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and 85 unenforceable. Provisions for termination for cause must also 86 include failure to meet the minimum quality measures established 87 under paragraph (n) for a period of up to 5 years, unless the 88 89 coalition determines that the provider is essential to meeting capacity needs based on the assessment under s. 1002.85(2)(i) s. 90 91 1002.85(2)(j) and the provider has an active improvement plan 92 pursuant to paragraph (n).

No later than July 1, 2022, develop and adopt 93 (p) 94 requirements for the implementation of a program designed to 95 make available contracted slots to serve children at the 96 greatest risk of school failure as determined by such children 97 being located in an area that has been designated as a poverty area tract according to the latest census data. The contracted 98 99 slot program may also be used to increase the availability of child care capacity based on the assessment under s. 100

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101

1002.85(2)(i) <del>s. 1002.85(2)(j)</del>.

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

107 (a) An analysis of early learning activities throughout
108 the state, including the school readiness program and the
109 Voluntary Prekindergarten Education Program.

110 1. The total and average number of children served in the 111 school readiness program, enumerated by age, eligibility 112 priority category, and coalition, and the total number of 113 children served in the Voluntary Prekindergarten Education 114 Program.

115 2. A summary of expenditures by coalition, by fund source, 116 including a breakdown by coalition of the percentage of 117 expenditures for administrative activities, quality activities, 118 nondirect services, and direct services for children.

3. A description of the department's and each coalition's
expenditures by fund source for the quality and enhancement
activities described in <u>s. 1002.89(4)(b)</u> <del>s. 1002.89(5)(b)</del>.

122 4. A summary of annual findings and collections related to123 provider fraud and parent fraud.

124 5. Data regarding the coalitions' delivery of early125 learning programs.

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The total number of children disenvolled statewide and 126 6. 127 the reason for disenrollment. 128 7. The total number of providers by provider type. The number of school readiness program providers who 129 8. 130 have completed the program assessment required under paragraph 131 (2) (n); the number of providers who have not met the minimum 132 program assessment composite score for contracting established 133 under paragraph (2)(n); and the number of providers that have an 134 active improvement plan based on the results of the program 135 assessment under paragraph (2)(n). The total number of provider contracts revoked and the 136 9. 137 reasons for revocation. Section 3. Subsection (17) of section 1002.84, Florida 138 139 Statutes, is amended to read: 140 1002.84 Early learning coalitions; school readiness powers 141 and duties.-Each early learning coalition shall: 142 (17) (a) Distribute the school readiness program funds as 143 allocated in the General Appropriations Act to the eligible 144 providers using the following methodology: 145 1. For each county in the early learning coalition, multiply the cost of care by care level as provided in s. 146 147 1002.90 by the county's district cost differential provided in 148 s. 1011.62(2). 149 2. If a county enacted a local ordinance before 150 January 1, 2022, that establishes the county's staff-to-children

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151 ratio for licensed child care facilities below the ratio 152 established in s. 402.305(4), multiply the provider 153 reimbursement rates for that county by the adjustment factor 154 specified in the General Appropriations Act. 155 3. Apply the weight established pursuant to s. 1002.90 for 156 each provider type to calculate the minimum provider 157 reimbursement rates by care level. 4. Multiply the weighted provider reimbursement rates by 158 159 22 percent to determine the amount of the school readiness 160 allocation an early learning coalition is eligible to retain pursuant to s. 1002.89(4). 161 162 (b) Distribute to each eligible provider the minimum 163 provider reimbursement rate, by provider type and care level, 164 regardless of the provider's private pay rate. All minimum 165 provider reimbursement rates shall be charged as direct services 166 pursuant to s. 1002.89. 167 168 Each early learning coalition with approved minimum provider 169 reimbursement rates for the infant to age 5 care levels that are higher than the minimum provider reimbursement rates established 170 in this subsection may continue to implement its approved 171 minimum provider reimbursement rates until the rates established 172 173 in this subsection exceed its approved rates Adopt a payment 174 schedule that encompasses all programs funded under this part 175 and part V of this chapter. The payment schedule must take into

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176	consideration the prevailing market rate or an alternative model								
177	that has been approved by the Administration for Children and								
178	Families pursuant to 45 C.F.R. s. 98.45(c), include the								
179	projected number of children to be served, and be submitted for								
180	approval by the department. Informal child care arrangements								
181	shall be reimbursed at not more than 50 percent of the rate								
182	adopted for a family day care home.								
183	Section 4. Paragraphs (c) through (j) of subsection (2) of								
184	section 1002.85, Florida Statutes, are redesignated as								
185	paragraphs (b) through (i), respectively, and present paragraphs								
186	(b) and (c) of that subsection are amended to read:								
187	1002.85 Early learning coalition plans								
188	(2) Each early learning coalition must biennially submit a								
189	school readiness program plan to the department before the								
190	expenditure of funds. A coalition may not implement its school								
191	readiness program plan until it receives approval from the								
192	department. A coalition may not implement any revision to its								
193	school readiness program plan until the coalition submits the								
194	revised plan to and receives approval from the department. If								
195	the department rejects a plan or revision, the coalition must								
196	continue to operate under its previously approved plan. The plan								
197	must include, but is not limited to:								
198	(b) The minimum number of children to be served by care								
199	<del>level.</del>								
200	<u>(b)</u> The coalition's procedures for implementing the								
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201	requirements of this part, including:									
202	1. Single point of entry.									
203	<ol> <li>Uniform waiting list.</li> </ol>									
204	3. Eligibility and enrollment processes and local									
205	eligibility priorities for children pursuant to s. 1002.87.									
206										
207	5. Sliding fee scale and policies on applying the waiver									
208										
209										
210										
210	7. Payment rate schedule.									
212	-									
212										
213	Section 5. Paragraph (c) of subsection (1) of section									
215										
215	1002.87 School readiness program; eligibility and									
210	enrollment									
217	(1) Each early learning coalition shall give priority for									
210	participation in the school readiness program as follows:									
220	(c) Subsequent priority shall be given, based on the early									
221	learning coalition's local priorities identified under <u>s.</u>									
222	<u>1002.85(2)(i)</u> <del>s. 1002.85(2)(j)</del> , to children who meet the									
223	following criteria:									
224	1. A child from birth to the beginning of the school year									
225	for which the child is eligible for admission to kindergarten in									
I	Page 9 of 22									

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226 a public school under s. 1003.21(1)(a)2. who is from a working 227 family that is economically disadvantaged, and may include such 228 child's eligible siblings, beginning with the school year in which the sibling is eligible for admission to kindergarten in a 229 230 public school under s. 1003.21(1)(a)2. until the beginning of 231 the school year in which the sibling is eligible to begin 6th 232 grade, provided that the first priority for funding an eligible 233 sibling is local revenues available to the coalition for funding 234 direct services.

235 2. A child of a parent who transitions from the work 236 program into employment as described in s. 445.032 from birth to 237 the beginning of the school year for which the child is eligible 238 for admission to kindergarten in a public school under s. 239 1003.21(1)(a)2.

3. An at-risk child who is at least 9 years of age but younger than 13 years of age. An at-risk child whose sibling is enrolled in the school readiness program within an eligibility priority category listed in paragraphs (a) and (b) and subparagraph 1. shall be given priority over other children who are eligible under this paragraph.

4. A child who is younger than 13 years of age from aworking family that is economically disadvantaged.

5. A child of a parent who transitions from the work program into employment as described in s. 445.032 who is younger than 13 years of age.

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2.51 A child who has special needs, has been determined 6. 252 eligible as a student with a disability, has a current 253 individual education plan with a Florida school district, and is 254 not younger than 3 years of age. A special needs child eligible 255 under this paragraph remains eligible until the child is 256 eligible for admission to kindergarten in a public school under 257 s. 1003.21(1)(a)2. 258 7. A child who otherwise meets one of the eligibility 259 criteria in paragraphs (a) and (b) and subparagraphs 1. and 2. 260 but who is also enrolled concurrently in the federal Head Start 261 Program and the Voluntary Prekindergarten Education Program. 262 Section 6. Section 1002.89, Florida Statutes, is amended 263 to read: 264 1002.89 School readiness program; funding.-265 DETERMINATION OF EARLY LEARNING COALITION SCHOOL (1)266 READINESS PROGRAM FUNDING.-Funding for the school readiness 267 program shall be used by allocated among the early learning 268 coalitions in accordance with this part section and the General 269 Appropriations Act. 270 (a) School readiness program allocation.-If the annual allocation for the school readiness program is not determined in 271 272 the General Appropriations Act or the substantive bill 273 implementing the General Appropriations Act, it shall be 274 determined as follows: 275 1. For each county in the early learning coalition, the Page 11 of 22

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276 total school readiness eligible population, as adopted by the 277 Early Learning Programs Estimating Conference pursuant to s. 278 216.136(8), shall be multiplied by the county's district cost differential provided in s. 1011.62(2). 279 280 2. If a county passed a local ordinance before January 1, 281 2022, that establishes the county's staff-to-children ratio for 282 licensed child care facilities below the ratio established in s. 283 402.305(4), multiply the product calculated in subparagraph 1. 284 by the adjustment factor specified in the General Appropriations 285 Act. 3. Each county's school readiness allocation shall be 286 287 based on the county's proportionate share of the total adjusted 288 eligible school readiness population. 289 (b) Gold Seal Quality Care Program allocation.-There is 290 created the Gold Seal Quality Care Program allocation to provide 291 eligible school readiness program providers the rate 292 differential established pursuant to s. 1002.945(6). Subject to 293 legislative appropriation, all expenditures from the Gold Seal 294 Quality Care Program allocation shall be used by the department 295 to help meet federal targeted requirements for improving quality 296 to the extent allowable in the state's approved Child Care and 297 Development Fund Plan. (c) Differential payment program allocation.-There is 298 299 created the differential payment program allocation to provide eligible school readiness program providers the differential pay 300

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301 established pursuant to s. 1002.82(2)(o). Subject to legislative 302 appropriation, all expenditures from the differential payment 303 program allocation shall be used by the department to help meet 304 federal targeted requirements for improving quality to the 305 extent allowable in the state's approved Child Care and 306 Development Fund Plan. 307 (d) Special needs differential allocation.-There is created the special needs differential allocation to assist 308 309 eligible school readiness program providers to implement the 310 special needs rate provisions defined in the state's approved Child Care and Development Fund Plan. Subject to legislative 311 312 appropriation, each early learning coalition shall be reimbursed based on actual expenditures. All expenditures from the special 313 314 needs differential allocation shall be used by the department to 315 help meet federal targeted requirements for improving quality to 316 the extent allowable in the state's approved plan. 317 (2)INSTRUCTION REQUIREMENTS.-All instructions to early 318 learning coalitions for administering this section shall emanate 319 from the department in accordance with the policies of the 320 Legislature. 321 (3) All cost savings and all revenues received through a 322 mandatory sliding fee scale shall be used to increase the number 323 of children served. 324 (3) (4) MATCHING FUND REQUIREMENTS. - All state, federal, and 325 local matching funds provided to an early learning coalition for Page 13 of 22

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326 purposes of this section shall be used for implementation of its 327 approved school readiness program plan, including the hiring of 328 staff to effectively operate the school readiness program.

(4) (5) COST REQUIREMENTS.-Costs shall be kept to the 329 330 minimum necessary for the efficient and effective administration 331 of the school readiness program with the highest priority of 332 expenditure being direct services for eligible children. 333 However, no more than 5 percent of the funds allocated in 334 paragraph (1)(a) described in subsection (4) may be used for 335 administrative costs and no more than 22 percent of the funds 336 allocated in paragraph (1)(a) described in subsection (4) may be 337 used in any fiscal year for any combination of administrative 338 costs, quality activities, and nondirect services as follows:

(a) Administrative costs as described in 45 C.F.R. s.
98.54, which shall include monitoring providers using the
standard methodology adopted under s. 1002.82 to improve
compliance with state and federal regulations and law pursuant
to the requirements of the statewide provider contract adopted
under s. 1002.82(2) (m).

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

Developing, establishing, expanding, operating, and
 coordinating resource and referral programs specifically related
 to the provision of comprehensive consumer education to parents

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351 and the public to promote informed child care choices specified 352 in 45 C.F.R. s. 98.33.

353 2. Awarding grants and providing financial support to school readiness program providers and their staff to assist 354 355 them in meeting applicable state requirements for the program 356 assessment required under s. 1002.82(2)(n), child care 357 performance standards, implementing developmentally appropriate curricula and related classroom resources that support 358 359 curricula, providing literacy supports, and providing continued 360 professional development and training. Any grants awarded 361 pursuant to this subparagraph shall comply with ss. 215.971 and 362 287.058.

363 3. Providing training, technical assistance, and financial 364 support to school readiness program providers, staff, and 365 parents on standards, child screenings, child assessments, child 366 development research and best practices, developmentally 367 appropriate curricula, character development, teacher-child 368 interactions, age-appropriate discipline practices, health and 369 safety, nutrition, first aid, cardiopulmonary resuscitation, the 370 recognition of communicable diseases, and child abuse detection, prevention, and reporting. 371

4. Providing, from among the funds provided for the
activities described in subparagraphs 1.-3., adequate funding
for infants and toddlers as necessary to meet federal
requirements related to expenditures for quality activities for

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376 infant and toddler care. 377 Improving the monitoring of compliance with, and 5. 378 enforcement of, applicable state and local requirements as described in and limited by 45 C.F.R. s. 98.40. 379 380 6. Responding to Warm-Line requests by providers and 381 parents, including providing developmental and health screenings 382 to school readiness program children. 383 Nondirect services as described in applicable Office (C) 384 of Management and Budget instructions are those services not 385 defined as administrative, direct, or quality services that are 386 required to administer the school readiness program. Such 387 services include, but are not limited to: 388 Assisting families to complete the required application 1. 389 and eligibility documentation. 390 Determining child and family eligibility. 2. 391 3. Recruiting eligible child care providers. 392 Processing and tracking attendance records. 4. 393 5. Developing and maintaining a statewide child care 394 information system. 395 As used in this paragraph, the term "nondirect services" does 396 397 not include payments to school readiness program providers for 398 direct services provided to children who are eligible under s. 399 1002.87, administrative costs as described in paragraph (a), or quality activities as described in paragraph (b). 400 Page 16 of 22

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401 (5) (6) LIMITATION ON THE USE OF PROGRAM FUNDS.-Funds 402 appropriated for the school readiness program may not be 403 expended for the purchase or improvement of land; for the 404 purchase, construction, or permanent improvement of any building 405 or facility; or for the purchase of buses. However, funds may be 406 expended for minor remodeling and upgrading of child care 407 facilities which is necessary for the administration of the program and to ensure that providers meet state and local child 408 409 care standards, including applicable health and safety 410 requirements. Section 7. Section 1002.895, Florida Statutes, is amended 411 412 to read: 413 1002.895 Market rate schedule.-The school readiness 414 program market rate schedule shall be implemented as follows: 415 The department shall establish procedures for the (1)416 adoption of a market rate schedule until an alternative model 417 that has been approved by the Administration for Children and Families pursuant to 45 C.F.R. s. 98.45(c) is available for 418 419 adoption. The schedule must include, at a minimum, county-by-420 county rates: 421 (a) The market rate, including the minimum and the maximum 422 rates for child care providers that hold a Gold Seal Quality 423 Care designation under s. 1002.945 and adhere to its accrediting 424 association's teacher-to-child ratios and group size 425 requirements.

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426 The market rate for child care providers that do not (b) 427 hold a Gold Seal Quality Care designation. 428 (2) The market rate schedule, at a minimum, must 429 differentiate rates by provider type, including, but not limited 430 to: 431 Differentiate rates by type, including, but not (a) 432 limited to, a Child care providers provider that hold holds a 433 Gold Seal Quality Care designation under s. 1002.945 and adhere 434 adheres to their its accrediting association's teacher-to-child 435 ratios and group size requirements., a Child care providers facility licensed under s. 436 (b) 437 402.305, a public or nonpublic school exempt from licensure 438 under s. 402.3025, a faith-based child care providers facility 439 exempt from licensure under s. 402.316 that do does not hold a Gold Seal Quality Care designation, and a large family child 440 441 care homes home licensed under s. 402.3131 that do not hold a 442 Gold Seal Quality Care designation. 7 443 (c) Public or nonpublic schools exempt from licensure 444 under s. 402.3025. 445 (d) or a Family day care homes home licensed or registered 446 under s. 402.313. 447 (e) Large family child care homes licensed under s. 448 402.3131. 449 (3) (b) The market rate schedule must differentiate rates by the type of child care services provided for children with 450

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451	special needs or risk categories, infants, toddlers, <u>2-year-old</u>									
452	children, 3-year-old children, 4-year-old children, 5-year-old									
453	preschool-age children, and school-age children.									
454	<u>(4)</u> The market rate schedule must differentiate rates									
455	between full-time and part-time child care services and consider									
456	discounted rates for child care services for multiple children									
457	in a single family.									
458	(d) Consider discounted rates for child care services for									
459	multiple children in a single family.									
460	(5)-(3) The market rate schedule must be based exclusively									
461	on the prices charged for child care services.									
462	(6) The department shall establish procedures to annually									
463	collect data regarding the cost of care to include, but not be									
464	limited to:									
465	(a) Data from the Department of Economic Opportunity's									
466	Bureau of Workforce Statistics and Economic Research on the									
467	average salary for child care personnel to include, at a									
468	minimum, child care instructors and child care directors.									
469	(b) Data from child care providers as part of data									
470	collected under s. 1002.92(4) to include, at a minimum, the									
471	average annual cost of materials and curriculum, the average									
472	annual cost of food and maintenance costs, and the average									
473	annual cost of any regulatory fees or operational costs per									
474	child.									
475	(7) The department shall provide all applicable data									
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476 collected in this section to the Early Learning Programs 477 Estimating Conference established pursuant to s. 216.136(8). 478 (4) The market rate schedule shall be considered by an 479 early learning coalition in the adoption of a payment schedule. 480 The payment schedule must take into consideration the prevailing 481 market rate and include the projected number of children to be 482 served by each county and be submitted for approval by the 483 department. Informal child care arrangements shall be reimbursed 484 at not more than 50 percent of the rate adopted for a family day 485 care home. 486 (8) (5) The department may contract with one or more 487 qualified entities to administer this section and provide 488 support and technical assistance for child care providers. 489 (9) (6) The department may adopt rules for establishing 490 procedures for the collection of child care providers' market 491 rate, the calculation of the prevailing market rate by program 492 care level and provider type in a predetermined geographic 493 market, and the publication of the market rate schedule. 494 Section 8. Section 1002.90, Florida Statutes, is created 495 to read: 496 1002.90 School readiness cost-of-care information.-497 Annually, the principals of the Early Learning Programs 498 Estimating Conference established in s. 216.136(8) shall develop

499 official cost-of-care information based on actual school

500 <u>readiness direct services program expenditures and information</u>

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501	provided pursuant to s. 1002.895. Conference principals shall								
502	agree on the cost of child care by care level and provider type,								
503	the provider type weights, and the methods of computation. The								
504	department shall provide the conference principals with all								
505	requested and necessary data to develop such information. The								
506	data may include a matrix by early learning coalition of any								
507	full-time equivalent changes made by the Division of Early								
508	Learning as part of its administration of the school readiness								
509	program. The Early Learning Programs Estimating Conference shall								
510	provide the official cost-of-care information to the Legislature								
511	at least 90 days before the scheduled annual legislative								
512	session.								
513	Section 9. Subsection (4) of section 1002.92, Florida								
514	Statutes, is amended to read:								
515	1002.92 Child care and early childhood resource and								
516	referral								
517	(4) A child care facility licensed under s. 402.305 and								
518	licensed and registered family day care homes must provide the								
519	statewide child care and resource and referral network with the								
520	following information annually:								
521	(a) Type of program.								
522	(b) Hours of service.								
523	(c) Ages of children served.								
524	(d) Fees and eligibility for services.								
525	(e) Data required under s. 1002.895.								
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2022

526		Section	10.	This	act	shall	take	effect	July	1,	2022.	
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