

By the Appropriations Committee on Education; the Committee on Education Pre-K -12; and Senators Grall and Osgood

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1 A bill to be entitled
2 An act relating to early learning; amending s.
3 402.305, F.S.; requiring that at least one staff
4 person receive in-person cardiopulmonary resuscitation
5 training; amending s. 1002.61, F.S.; revising
6 requirements for prekindergarten instructors; amending
7 s. 1002.67, F.S.; providing that private
8 prekindergarten provider or public school curricula
9 may not use a certain coordinated screening and
10 progress monitoring program or other specified methods
11 for direct student instruction; limiting the
12 percentage of the instructional day during which a
13 private prekindergarten provider or public school may
14 allow students to be individually engaged for direct
15 instruction in viewing an electronic screen; defining
16 the term "screen"; requiring that such time involve
17 certain activities; providing that the limitation does
18 not include the required administration of the
19 screening and monitoring system; amending s. 1002.68,
20 F.S.; revising circumstances under which a good cause
21 exemption may not be granted; revising requirements
22 with respect to performance metric methodology and the
23 assignment of designations under the Voluntary
24 Prekindergarten Education Program; republishing
25 reverted provisions of law pursuant to chapter 2023-
26 240, Laws of Florida; amending s. 1002.71, F.S.;
27 revising the percentage of funds that an early
28 learning coalition may retain and expend; amending s.
29 1002.82, F.S.; revising the performance standards

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30 adopted by the Department of Education relating to the
31 Voluntary Prekindergarten Education Program; amending
32 s. 1002.83, F.S.; authorizing an early learning
33 coalition to appoint a certain additional board
34 member; amending s. 1002.88, F.S.; requiring a school
35 readiness program provider to prohibit the use of
36 certain electronic devices during a specified period
37 of a child's life; describing the term "screen";
38 amending s. 1002.89, F.S.; revising school readiness
39 program expenditures that are subject to certain cost
40 requirements; requiring that certain training be
41 provided by a specified date; amending s. 1008.25,
42 F.S.; providing that, subject to legislative
43 appropriation, certain Voluntary Prekindergarten
44 Education Program students are eligible to receive
45 early literacy instructional support through a
46 specified program; providing requirements for the
47 program; deleting a requirement for a child to receive
48 instruction in early literacy skills under specified
49 conditions; providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Paragraph (a) of subsection (7) of section
54 402.305, Florida Statutes, is amended to read:

55 402.305 Licensing standards; child care facilities.—

56 (7) SANITATION AND SAFETY.—

57 (a) Minimum standards shall include requirements for
58 sanitary and safety conditions, first aid treatment, emergency

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59 procedures, and pediatric cardiopulmonary resuscitation. The
60 minimum standards shall require that at least one staff person
61 trained in person in cardiopulmonary resuscitation, as evidenced
62 by current documentation of course completion, must be present
63 at all times that children are present.

64 Section 2. Subsection (4) of section 1002.61, Florida
65 Statutes, is amended to read:

66 1002.61 Summer prekindergarten program delivered by public
67 schools and private prekindergarten providers.—

68 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),
69 each public school and private prekindergarten provider must
70 have, for each prekindergarten class, at least one
71 prekindergarten instructor who is a certified teacher or holds
72 one of the educational credentials specified in s. 1002.55(4)(a)
73 or (b), or an educational credential specified in s.

74 1002.55(3)(c)1. as long as the instructor has completed the
75 early literacy micro-credential program under s. 1003.485. As
76 used in this subsection, the term "certified teacher" means a
77 teacher holding a valid Florida educator certificate under s.
78 1012.56 who has the qualifications required by the district
79 school board to instruct students in the summer prekindergarten
80 program. In selecting instructional staff for the summer
81 prekindergarten program, each school district shall give
82 priority to teachers who have experience or coursework in early
83 childhood education and have completed emergent literacy and
84 performance standards courses, as provided for in s.

85 1002.55(3)(c)2.

86 Section 3. Paragraph (b) of subsection (2) of section
87 1002.67, Florida Statutes, is amended to read:

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88 1002.67 Performance standards and curricula.—

89 (2)

90 (b) Each private prekindergarten provider's and public
91 school's curriculum must be developmentally appropriate and
92 must:

93 1. Be designed to prepare a student for early literacy and
94 provide for instruction in early math skills;

95 2. Develop students' background knowledge through a
96 content-rich and sequential knowledge building early literacy
97 curriculum;

98 3. Enhance the age-appropriate progress of students in
99 attaining the performance standards adopted by the department
100 under subsection (1); and

101 4. Support student learning gains through differentiated
102 instruction that must ~~shall~~ be measured by the coordinated
103 screening and progress monitoring program under s. 1008.25(9). A
104 private prekindergarten provider's or public school's curriculum
105 may not use the coordinated screening and progress monitoring
106 program or any other progress monitoring program for direct
107 student instruction. A private prekindergarten provider or
108 public school may not allow any student during the approved
109 Voluntary Prekindergarten Education Program hours to be
110 individually engaged for direct instruction in viewing an
111 electronic screen, commonly known as screen time, for more than
112 10 percent of the instructional day. As used in this
113 subparagraph, the term "screen" includes, but is not limited to,
114 a television, a computer, a tablet, a virtual reality device, a
115 mobile phone, or a gaming console. Any such screen time must
116 involve activities directly related to the Voluntary

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117 Prekindergarten Education Program standards. This limitation
118 does not include administration of the coordinated screening and
119 progress monitoring system as required under s. 1008.25(9).

120 Section 4. Paragraph (d) of subsection (6) of section
121 1002.68, Florida Statutes, is amended, and paragraph (c) of
122 subsection (4) of that section is republished, to read:

123 1002.68 Voluntary Prekindergarten Education Program
124 accountability.—

125 (4)

126 (c) The program assessment composite score and performance
127 metric must be calculated for each private prekindergarten or
128 public school site.

129 (6)

130 (d) A good cause exemption may not be granted to any
131 private prekindergarten provider or public school that has any
132 class I violations or three ~~two~~ or more of the same class II
133 violations, as defined by rule of the Department of Children and
134 Families, within the 2 years preceding the provider's or
135 school's request for the exemption.

136 Section 5. Upon the expiration and reversion of the
137 amendments made to section 1002.68, Florida Statutes, pursuant
138 to section 6 of chapter 2023-240, Laws of Florida, paragraphs
139 (a) and (f) of subsection (4) of section 1002.68, Florida
140 Statutes, are amended, and subsection (5) and paragraph (e) of
141 subsection (6) of that section are republished, to read:

142 1002.68 Voluntary Prekindergarten Education Program
143 accountability.—

144 (4) (a) Beginning with the 2023-2024 ~~2022-2023~~ program year,
145 the department shall adopt a methodology for calculating each

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146 private prekindergarten provider's and public school provider's
147 performance metric, which must be based on a combination of the
148 following:

149 1. Program assessment composite scores under subsection
150 (2), which must be weighted at no less than 50 percent.

151 2. Learning gains operationalized as change-in-ability
152 scores from the initial and final progress monitoring results
153 described in subsection (1).

154 3. Norm-referenced developmental learning outcomes
155 described in subsection (1).

156 (f) The department shall adopt procedures to annually
157 calculate each private prekindergarten provider's and public
158 school's performance metric, based on the methodology adopted in
159 paragraphs (a) and (b), and assign a designation under paragraph
160 (d). Beginning with the 2024-2025 ~~2023-2024~~ program year, each
161 private prekindergarten provider or public school shall be
162 assigned a designation within 45 days after the conclusion of
163 the school-year Voluntary Prekindergarten Education Program
164 delivered by all participating private prekindergarten providers
165 or public schools and within 45 days after the conclusion of the
166 summer Voluntary Prekindergarten Education Program delivered by
167 all participating private prekindergarten providers or public
168 schools.

169 (5) (a) If a public school's or private prekindergarten
170 provider's program assessment composite score for its
171 prekindergarten classrooms fails to meet the minimum program
172 assessment composite score for contracting adopted in rule by
173 the department, the private prekindergarten provider or public
174 school may not participate in the Voluntary Prekindergarten

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175 Education Program beginning in the consecutive program year and
176 thereafter until the public school or private prekindergarten
177 provider meets the minimum composite score for contracting. A
178 public school or private prekindergarten provider may request
179 one program assessment per program year in order to requalify
180 for participation in the Voluntary Prekindergarten Education
181 Program, provided that the public school or private
182 prekindergarten provider is not excluded from participation
183 under ss. 1002.55(6), 1002.61(10)(b), 1002.63(9)(b), or
184 paragraph (5)(b) of this section. If a public school or private
185 prekindergarten provider would like an additional program
186 assessment completed within the same program year, the public
187 school or private prekindergarten provider shall be responsible
188 for the cost of the program assessment.

189 (b) If a private prekindergarten provider's or public
190 school's performance metric or designation falls below the
191 minimum performance metric or designation, the early learning
192 coalition shall:

193 1. Require the provider or school to submit for approval to
194 the early learning coalition an improvement plan and implement
195 the plan.

196 2. Place the provider or school on probation.

197 3. Require the provider or school to take certain
198 corrective actions, including the use of a curriculum approved
199 by the department under s. 1002.67(2)(c) and a staff development
200 plan approved by the department to strengthen instructional
201 practices in emotional support, classroom organization,
202 instructional support, language development, phonological
203 awareness, alphabet knowledge, and mathematical thinking.

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204 (c) A private prekindergarten provider or public school
205 that is placed on probation must continue the corrective actions
206 required under paragraph (b) until the provider or school meets
207 the minimum performance metric or designation adopted by the
208 department. Failure to meet the requirements of subparagraphs
209 (b)1. and 3. shall result in the termination of the provider's
210 or school's contract to deliver the Voluntary Prekindergarten
211 Education Program for a period of at least 2 years but no more
212 than 5 years.

213 (d) If a private prekindergarten provider or public school
214 remains on probation for 2 consecutive years and fails to meet
215 the minimum performance metric or designation, or is not granted
216 a good cause exemption by the department, the department shall
217 require the early learning coalition to revoke the provider's
218 eligibility and the school district to revoke the school's
219 eligibility to deliver the Voluntary Prekindergarten Education
220 Program and receive state funds for the program for a period of
221 at least 2 years but no more than 5 years.

222 (6)

223 (e) A private prekindergarten provider or public school
224 granted a good cause exemption shall continue to implement its
225 improvement plan and continue the corrective actions required
226 under paragraph (5)(b) until the provider or school meets the
227 minimum performance metric.

228 Section 6. Subsection (7) of section 1002.71, Florida
229 Statutes, is amended to read:

230 1002.71 Funding; financial and attendance reporting.-

231 (7) The department shall require that administrative
232 expenditures be kept to the minimum necessary for efficient and

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233 effective administration of the Voluntary Prekindergarten
234 Education Program. Administrative policies and procedures shall
235 be revised, to the maximum extent practicable, to incorporate
236 the use of automation and electronic submission of forms,
237 including those required for child eligibility and enrollment,
238 provider and class registration, and monthly certification of
239 attendance for payment. A school district may use its automated
240 daily attendance reporting system for the purpose of
241 transmitting attendance records to the early learning coalition
242 in a mutually agreed-upon format. In addition, actions shall be
243 taken to reduce paperwork, eliminate the duplication of reports,
244 and eliminate other duplicative activities. Each early learning
245 coalition may retain and expend no more than 5 ~~4.0~~ percent of
246 the funds paid by the coalition to private prekindergarten
247 providers and public schools under paragraph (5) (b). Funds
248 retained by an early learning coalition under this subsection
249 may be used only for administering the Voluntary Prekindergarten
250 Education Program and may not be used for the school readiness
251 program or other programs.

252 Section 7. Paragraph (j) of subsection (2) of section
253 1002.82, Florida Statutes, is amended to read:

254 1002.82 Department of Education; powers and duties.—

255 (2) The department shall:

256 (j) Monitor the alignment and consistency of the standards
257 and benchmarks developed and adopted by the department that
258 address the age-appropriate progress of children in the
259 development of school readiness skills. The standards for
260 children from birth to kindergarten entry in the school
261 readiness program must be aligned with the performance standards

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262 adopted for children in the Voluntary Prekindergarten Education
263 Program and must address the following domains:

- 264 1. Approaches to learning.
- 265 2. Cognitive development and general knowledge.
- 266 3. Numeracy, language, and communication.
- 267 4. Physical development.
- 268 5. Executive functioning ~~Self-regulation~~.

269 Section 8. Present subsections (5) through (16) of section
270 1002.83, Florida Statutes, are redesignated as subsections (6)
271 through (17), respectively, a new subsection (5) is added to
272 that section, and subsection (3) of that section is amended, to
273 read:

274 1002.83 Early learning coalitions.—

275 (3) The Governor shall appoint the chair and two other
276 members of each early learning coalition, who must each meet the
277 qualifications of a private sector business member under
278 subsection (7) ~~(6)~~. In the absence of a governor-appointed
279 chair, the Commissioner of Education may appoint an interim
280 chair from the current early learning coalition board
281 membership.

282 (5) Each early learning coalition may choose to appoint an
283 additional public sector board member in order to include a
284 representative of local law enforcement.

285 Section 9. Present paragraphs (h) through (s) of subsection
286 (1) of section 1002.88, Florida Statutes, are redesignated as
287 paragraphs (i) through (t), respectively, a new paragraph (h) is
288 added to that subsection, and present paragraphs (n) and (p) of
289 that subsection are amended, to read:

290 1002.88 School readiness program provider standards;

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291 eligibility to deliver the school readiness program.—

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

294 (h) Prohibit a child from birth to the beginning of the
295 school year for which the child is eligible for admission to
296 kindergarten in public school under s. 1003.21(1)(a) to be
297 individually engaged for direct instruction in viewing an
298 electronic screen, commonly known as screen time. As used in
299 this subparagraph, the term "screen" includes, but is not
300 limited to, a television, a computer, a tablet, a virtual
301 reality device, a mobile phone, or a gaming console.

302 (o)~~(n)~~ For a provider that is an informal provider, comply
303 with the provisions of paragraph (n) ~~(m)~~ or maintain homeowner's
304 liability insurance and, if applicable, a business rider. If an
305 informal provider chooses to maintain a homeowner's policy, the
306 provider must obtain and retain a homeowner's insurance policy
307 that provides a minimum of \$100,000 of coverage per occurrence
308 and a minimum of \$300,000 general aggregate coverage. The
309 department may authorize lower limits upon request, as
310 appropriate. An informal provider must add the coalition as a
311 named certificateholder and as an additional insured. An
312 informal provider must provide the coalition with a minimum of
313 10 calendar days' advance written notice of cancellation of or
314 changes to coverage. The general liability insurance required by
315 this paragraph must remain in full force and effect for the
316 entire period of the provider's contract with the coalition.

317 (q)~~(p)~~ Notwithstanding paragraph (n) ~~(m)~~, for a provider
318 that is a state agency or a subdivision thereof, as defined in
319 s. 768.28(2), agree to notify the coalition of any additional

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320 liability coverage maintained by the provider in addition to
321 that otherwise established under s. 768.28. The provider shall
322 indemnify the coalition to the extent permitted by s. 768.28.
323 Notwithstanding paragraph (n) ~~(m)~~, for a child development
324 program that is accredited by a national accrediting body and
325 operates on a military installation that is certified by the
326 United States Department of Defense, the provider may
327 demonstrate liability coverage by affirming that it is subject
328 to the Federal Tort Claims Act, 28 U.S.C. ss. 2671 et seq.

329 Section 10. Subsection (4) of section 1002.89, Florida
330 Statutes, is amended to read:

331 1002.89 School readiness program; funding.—

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

342 (a) Administrative costs as described in 45 C.F.R. s.
343 98.54, which shall include monitoring providers using the
344 standard methodology adopted under s. 1002.82 to improve
345 compliance with state and federal regulations and law pursuant
346 to the requirements of the statewide provider contract adopted
347 under s. 1002.82(2)(m).

348 (b) Activities to improve the quality of child care as

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349 described in 45 C.F.R. s. 98.53, which shall be limited to the
350 following:

351 1. Developing, establishing, expanding, operating, and
352 coordinating resource and referral programs specifically related
353 to the provision of comprehensive consumer education to parents
354 and the public to promote informed child care choices specified
355 in 45 C.F.R. s. 98.33.

356 2. Awarding grants and providing financial support to
357 school readiness program providers and their staff to assist
358 them in meeting applicable state requirements for the program
359 assessment required under s. 1002.82(2)(n), child care
360 performance standards, implementing developmentally appropriate
361 curricula and related classroom resources that support parent
362 engagement curricula, ~~providing~~ literacy supports, and providing
363 continued professional development through the Teacher Education
364 and Compensation Helps (TEACH) Scholarship Program under s.
365 1002.95 and training aligned to the early learning professional
366 development standards and career pathways under s. 1002.995, and
367 reimbursement for background screenings and training. Any grants
368 awarded pursuant to this subparagraph must ~~shall~~ comply with ss.
369 215.971 and 287.058.

370 3. Providing professional development through:

371 a. The TEACH Scholarship Program under s. 1002.95, if
372 annual state funding has been exhausted.

373 b. By July 1, 2026, training aligned with the early
374 learning professional development standards and career pathways
375 under s. 1002.995.

376 c. Training on cardiopulmonary resuscitation, which
377 training must be delivered in person ~~training, technical~~

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378 ~~assistance, and financial support to school readiness program~~
379 ~~providers, staff, and parents on standards, child screenings,~~
380 ~~child assessments, child development research and best~~
381 ~~practices, developmentally appropriate curricula, character~~
382 ~~development, teacher child interactions, age appropriate~~
383 ~~discipline practices, health and safety, nutrition, first aid,~~
384 ~~cardiopulmonary resuscitation, the recognition of communicable~~
385 ~~diseases, and child abuse detection, prevention, and reporting.~~

386 4. Providing, from among the funds provided for the
387 activities described in subparagraphs 1.-3., adequate funding
388 for infants and toddlers as necessary to meet federal
389 requirements related to expenditures for quality activities for
390 infant and toddler care.

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

394 6. Responding to Warm-Line requests by providers and
395 parents, including providing developmental and health screenings
396 to school readiness program children.

397 (c) Nondirect services as described in applicable Office of
398 Management and Budget instructions are those services not
399 defined as administrative, direct, or quality services that are
400 required to administer the school readiness program. Such
401 services include, but are not limited to:

402 1. Assisting families to complete the required application
403 and eligibility documentation.

404 2. Determining child and family eligibility.

405 3. Recruiting eligible child care providers.

406 4. Processing and tracking attendance records.

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407 5. Developing and maintaining a statewide child care
408 information system.

409

410 As used in this paragraph, the term "nondirect services" does
411 not include payments to school readiness program providers for
412 direct services provided to children who are eligible under s.
413 1002.87, administrative costs as described in paragraph (a), or
414 quality activities as described in paragraph (b).

415 Section 11. Paragraph (b) of subsection (5) of section
416 1008.25, Florida Statutes, is amended to read:

417 1008.25 Public school student progression; student support;
418 coordinated screening and progress monitoring; reporting
419 requirements.—

420 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

421 (b) Subject to legislative appropriation, a Voluntary
422 Prekindergarten Education Program student who has attended at
423 least 80 percent of the school year program and who exhibits a
424 substantial deficiency in early literacy skills as identified by
425 the performance standards adopted under s. 1002.67(1)(a) and
426 scores below the 20th percentile on based upon the results of
427 the administration of the final administration of the
428 coordinated screening and progress monitoring under subsection
429 (9) ~~is shall be referred to the local school district and may be~~
430 eligible to receive early literacy instructional support through
431 a summer bridge program the summer instruction in early literacy
432 skills before participating in kindergarten. The summer bridge
433 program must meet the requirements adopted by the department and
434 consist of no more than 4 hours of instruction per day for a
435 minimum of 100 total hours ~~A student with an individual~~

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436 ~~education plan who has been retained pursuant to paragraph~~
437 ~~(2)(g) and has demonstrated a substantial deficiency in early~~
438 ~~literacy skills must receive instruction in early literacy~~
439 ~~skills.~~

440 Section 12. This act shall take effect July 1, 2024.