

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/CS/HB 1021 Child Care and Early Learning Providers

SPONSOR(S): Health & Human Services Committee, Ways & Means Committee, Education & Employment Committee, McFarland

TIED BILLS: None **IDEN./SIM. BILLS:** SB 990

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education & Employment Committee	15 Y, 0 N, As CS	Wolff	Hassell
2) Ways & Means Committee	24 Y, 0 N, As CS	Berg	Aldridge
3) Health & Human Services Committee	20 Y, 0 N, As CS	Curry	Calamas

SUMMARY ANALYSIS

The Voluntary Prekindergarten Education Program (VPK) prepares early learners for success in kindergarten and beyond and helps build a strong foundation for school using educational material corresponding to various stages in a child's development. To be eligible for VPK, children must live in Florida and be 4 years old on or before September 1 of the current school year.

The Department of Children and Families (DCF) licenses and regulates child care facilities, family day care homes, large family child care homes, and specialized child-care facilities for the care of mildly ill children, establishing the licensing standards that each licensed child care provider must meet.

The bill makes a number of changes related to early learning providers:

- Modifies the requirements for Voluntary Prekindergarten (VPK) classroom instructors, curriculum, program and child assessments, and implementation of the accountability measures for VPK programs.
- Requires intensive reading interventions to VPK students with substantial deficiencies in early literacy.
- Modifies requirements for obtaining and maintaining the Gold Seal Quality Care designation.
- Authorizes early learning coalitions to appoint a member of law enforcement to the board.
- Requires DOE to establish, within existing funds, a single statewide information system to manage all early learning programs and to implement data sharing connections to the child care licensing and training platforms with DCF.

The bill makes the following changes related to child care facilities:

- Modifies requirements related to licensing of child care facilities by DCF.
- Expands DCF's abbreviated inspection requirements and requires abbreviated inspections plans to be updated every 5 years.
- Modifies child care personnel training and background screening requirements.
- Requires DCF to evaluate its child care personnel training requirements and coursework and the licensing and regulation of child care facilities, and provide a report to the Governor and the Legislature on recommendations on the quality, effectiveness, and on the elimination of rules and policies that are unnecessary, redundant, or vague.
- Modifies requirements of residential property insurance for large family child care homes.

This bill has no fiscal impact on state or local government.

The bill provides an effective date July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation - Child Care Licensing Program

Child care is the care, protection and supervision of a child, for a period of less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, and for which a payment, fee, or grant is made for care.¹ If a program meets the statutory definition of child care, it is subject to regulation by the Department of Children and Families (DCF) or local licensing agencies (LLAs), unless the statute specifically excludes or exempts it from regulation.²

DCF licenses and regulates child care facilities,³ family day care homes,⁴ large family child care homes,⁵ and specialized child-care facilities for the care of mildly ill children,⁶ establishing the licensing standards that each licensed child care facility must meet.⁷ Child care facilities with religious affiliation and certain family day care homes are exempt from licensure, but are required to register with the DCF. Currently, there are over 8,000 licensed child care programs in Florida.⁸

Child Care Facility Standards

DCF establishes licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility. The standards are required to address:⁹

- The health, sanitation, safety, and adequate physical surroundings for all children in child care.
- The health and nutrition of all children in child care.
- The child development needs of all children in child care.

Licensed child care facilities and homes must comply with the state child care laws in ss. 402.301-402.319, F.S., and with all training and background screening requirements for child care personnel.¹⁰ DCF ensures that licensing requirements are met through on-going inspections of child-care facilities and homes, thus preventing the continued operation of substandard child-care programs.¹¹ Currently, DCF licenses and registers child-care facilities and homes in 63 out of 67 counties. Four counties have elected to designate a LLA to regulate licensing of child care facilities and homes in their areas,¹² these counties include Broward, Palm Beach, Pinellas, and Sarasota.¹³

¹ Section 402.302(1), F.S.

² Any county whose licensing standards meet or exceed the state minimum standards may designate, by ordinance, a local licensing agency in their county to license child care facilities. Counties choosing to administer their own child care licensing programs are licensed by DCF. See s. 402.306, F.S.

³ Section 402.305, F.S.

⁴ Section 402.313, F.S.

⁵ Section 402.3131, F.S. Also see ss. 402.301 through 402.319, F.S.

⁶ Section 402.305(17), F.S.

⁷ See generally ss. 402.301 through 402.319, F.S. See also s. 402.305(1), F.S. The licensing standards must apply to all facilities regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility.

⁸ Florida Department of Children and Families, *Child Care Provider List, 3-1-2023*, available at <https://www.myflfamilies.com/sites/default/files/2023-03/Public%20-%202023-3-1%20-%20Statewide.pdf>

⁹ Section 402.305, F.S.

¹⁰ Sections 402.305, 402.313, and 402.3131, F.S.

¹¹ Florida Department of Children and Families, *About Child Care Licensure*, available at: <https://www.myflfamilies.com/services/child-family/child-care/child-care-providers-and-staff/about-child-care-licensure>

¹² Section 402.306, F.S.

¹³ Florida Department of Children and Families, Child Care Licensure, <https://www.myflfamilies.com/services/licensing/child-care-licensure> (last visited Mar. 10, 2023).

Inspections of Child Care Providers

DCF or the LLA, whichever is applicable, conduct inspections of all licensed child-care providers to determine initial and renewal licensure and periodically assesses continued compliance with licensing standards.¹⁴ Under current law, DCF and the LLAs that license child care are required to develop and implement a plan to eliminate duplicative and unnecessary inspections of child care facilities. Both entities are also required to develop and implement an abbreviated inspection plan for child care facilities that have had no Class 1 or Class 2 deficiencies for at least 2 consecutive years. The abbreviated inspection must include those elements identified by DCF and the local governmental agencies as being key indicators of whether the child care facility continues to provide quality care and programming.¹⁵

Child Care Personnel

Current law defines child care personnel as all owners, operators, employees, and volunteers working in a child care facility.¹⁶

Background Screening and Training Requirements

DCF establishes the training and background screening requirements for child care personnel. Background screening must be conducted for all child care personnel using the level 2 standards of screening. Elements of the background screening include:¹⁷

- FDLE criminal history background check;
- FBI criminal history background check;
- Criminal background check of any prior states resided within the past five years;
- Sex Offender Registry check (in Florida & any prior states resided within past five years);
- Child Abuse & Neglect check (in Florida & any prior states resided within past five years);
- Attestation of Good Moral Character; and
- Previous five-year employment history check.

The DCF also establishes minimum training requirements for child care personnel. DCF has adopted the Child Care Facility Handbook to describe these requirements in detail.¹⁸ The minimum standards for training must ensure that all child care personnel take an approved 40-clock-hour introductory course in child care covering the following topic areas:¹⁹

- State and local rules and regulations which govern child care.
- Health, safety, and nutrition.
- Identifying and reporting child abuse and neglect.
- Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development.
- Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine the child's developmental age level.
- Specialized areas, including computer technology for professional and classroom use and early literacy and language development of children from birth to 5 years of age, as determined by the DCF, for owner-operators and child care personnel of a child care facility.
- Developmental disabilities, including autism spectrum disorder and Down syndrome, and early identification, use of available state and local resources, classroom integration, and positive behavioral supports for children with developmental disabilities.²⁰

¹⁴ Sections 402.308 and 402.311, F.S.

¹⁵ Section 402.305, F.S.

¹⁶ Section 402.302(3), F.S.

¹⁷ Sections 402.302(15) and 435.04, F.S.

¹⁸ Florida Department of Children and Families, *Child Care Facility Handbook, October 2021*, available at: https://www.myflfamilies.com/sites/default/files/2022-12/FacilityHandbook_0.pdf.

¹⁹ Florida Department of Children and Families, *Child Care Facility Handbook, October 2021*, available at: https://www.myflfamilies.com/sites/default/files/2022-12/FacilityHandbook_0.pdf.

²⁰ Section. 402.305, F.S.

The DCF must evaluate or contract for an evaluation to determine the status of and means to improve staff training requirements and testing procedures. The evaluation must be conducted every 2 years. The evaluation must include, but not be limited to, determining:²¹

- The availability, quality, scope, and sources of current staff training.
- The need for specialty training.
- Ways to increase in-service training.
- Ways to increase the accessibility, quality, and cost-effectiveness of current and proposed staff training.

DCF Child Care Licensing Standards

The DCF is also responsible for establishing the minimum licensing standards for the following:

- Sanitary and safety conditions, first aid treatment, emergency procedures, and pediatric cardiopulmonary resuscitation. The minimum standards must require that at least one staff person trained in cardiopulmonary resuscitation, as evidenced by current documentation of course completion, must be present at all times that children are present.²²
- Admissions and recordkeeping. During the months of August and September of each year, each child care facility must provide parents of children enrolled in the facility detailed information regarding:
 - The causes, symptoms, and transmission of the influenza virus and the importance of immunizing their children.
 - The potential for a distracted adult to fail to drop off a child at the facility and instead leave the child in the adult's vehicle upon arrival at the adult's destination.²³
 - A plan of activities which must ensure that each child care facility has and implements a written plan for the daily provision of varied activities and active and quiet play opportunities appropriate to the age of the child.²⁴
 - Specialized child care facilities for the care of mildly ill children.²⁵

Effect of Proposed Changes – Child Care Licensing Program

Licensing Standards for Child Care Facilities

The bill modifies the scope of required licensing standards for child care facilities. Specifically, the bill:

- Revises the periodic employee health examination requirement to only apply to child care personnel responsible for transporting children.
- Removes the requirement for child care facilities to provide parents of children enrolled in the facility detailed information regarding:
 - The causes, symptoms, and transmission of the influenza virus and the importance of immunizing their children.
 - The potential for a distracted adult to fail to drop off a child at the facility and instead leave the child in the adult's vehicle upon arrival at the adult's destination.
- Removes the requirements that the written plan for the daily provision of age-appropriate activities include a program to assist the children in preventing and avoiding physical and mental abuse.
- Removes minimum standards for specialized child care facilities of the care of mildly ill children.

Abbreviated Inspections

The bill adds family day care homes and large family child care homes to the list of facilities that the DCF must include in its plan to eliminate duplicative and unnecessary inspections.

²¹ Section. 402.305(2), F.S.

²² Section. 402.305(7), F.S.

²³ Section. 402.305(9), F.S.

²⁴ Section. 402.305(13), F.S.

²⁵ Section. 402.305(17), F.S.

The bill expands the requirement for DCF and local government agencies to develop an abbreviated inspection plan for certain child care facilities and requires the abbreviated inspection plan to be updated every five years. The DCF and local government agencies must develop and implement an abbreviated inspection plan for child care facilities that:

- Have been licensed for a period of not less than 2 consecutive years, and do not have a Class 1 and no more than two of the same Class 2 deficiencies, for at least 2 consecutive years.
- Have received at least two full onsite renewals in the most recent 2 years.
- Do not have any current uncorrected violations.
- Do not have any open regulatory complaints or active child protective services investigations.

The bill requires DCF to post on its website, annually by August 1, the number of:

- Abbreviated inspections conducted.
- Providers that qualified for an abbreviated inspection.
- Providers that, after an abbreviated inspection, no longer qualify for an abbreviated inspection after receiving violations.

Child Care Personnel - Background Screening and Training

The bill modifies the minimum standards for child care personnel. Specifically, the bill:

- Requires the 40-clock-hour introductory course in child care to be taken by child care personnel to include online and in-person training coursework to meet minimum training standards for child care personnel.
- Removes provisions requiring the introductory training course in child care to stress an interdisciplinary approach to the study of children, when possible.
- Removes provisions requiring DCF to evaluate, or contract for an evaluation, every two years to determine the status of and means to improve staff training requirements and testing procedures.

The bill requires the DCF to complete background screening and provide results to the child care facility within 10 business days after receiving the Florida Department of Law Enforcement results. If DCF is unable to complete the background screening within that time, DCF must issue a current or prospective child care personnel a 45-day provisional hire status based on the initial results of the Florida Criminal History Record Check, while all required information is being requested and the DCF is awaiting results. During the 45-day period, the current or prospective child care personnel must be under the direct supervision of a screened and trained staff member when in contact with children.

Reports

The bill requires the DCF to report to the Governor, the President of the Senate, and the Speaker of the House of Representatives every 5 years beginning December 31, 2024. The report must include, at a minimum, information concerning the following:

- The current training requirements and coursework offered to child care personnel and any DCF recommendations regarding:
 - The availability, quality, relevance, scope, cost, effectiveness, and sources of current and prospective training.
 - The need for specialty training and approaches to increase inservice training.
- The licensing and regulation of child care facilities, including the DCF's identification of and recommendations regarding:
 - The elimination of rules that are unnecessary, vague, or redundant and the elimination of redundancy or subjectivity in the application of rules by licensing staff.

- Streamlining the standards used to classify violations.
- Methods to simplify inspections and the elimination of duplicative and unnecessary inspections.

The bill requires DCF to adopt rules and revise policies based on the recommendations of the report. The bill also authorizes DCF to contract for production of the report.

Present Situation – Insurance and Child Care Homes

Homeowners' insurance is a specific type of property insurance. Homeowners' insurance covers damage or loss by theft and against perils which can include fire, and storm damage. It also may insure the owner for accidental injury or death for which the owner may be legally responsible. Mortgage lenders usually require homeowners' insurance as part of the mortgage terms.²⁶

While homeowners' insurance can specifically refer to the insurance of a house, it also encompasses the insurance of other types of structures associated with personal residences, including tenants (renters) and condominium unit owners.²⁷

Florida recognizes that family day care homes fulfill a vital role in providing child care and that residential property insurance coverage should not be canceled, denied, or nonrenewed solely on the basis of the family day care services at the residence. The potential liability of residential property insurers is substantially increased by the operation of child care services on the premises. Contractual liabilities that arise in connection with the operation of the family day care home are excluded from residential property insurance policies unless they are specifically included in such coverage.²⁸

In addition to family day care services, there are also over 400 large family day care services in Florida.²⁹ A large family day care home is an occupied residence in which child care is regularly provided for children from as least two unrelated families where there is payment for the care provided and which has at least two full-time child care personnel on the premise during hours of operation.³⁰ The insurance protections for family day care homes do not extend to large family day care homes.³¹

Effect of Proposed Changes – Insurance and Child Care Homes

The bill modifies s. 627.70161, F.S., to add specific language to include large family child care homes to existing law to prevent cancelation of the residential property insurance solely on the basis of offering those services at a residence, and to include “large family child care homes” in language stating the liabilities arising out of such services are excluded from property insurance policies specifically included in that coverage.

Present Situation - Voluntary Prekindergarten Program

The Voluntary Prekindergarten Education Program

The Voluntary Prekindergarten Education Program (VPK) prepares early learners for success in kindergarten and beyond. VPK helps build a strong foundation for school using educational material

²⁶ Florida Office of Insurance Regulation, *Homeowners' Insurance*, <https://floir.com/Sections/PandC/Homeowners/default.aspx> (last visited Mar. 11, 2023).

²⁷ Florida Office of Insurance Regulation, *Homeowners' Insurance*, <https://floir.com/Sections/PandC/Homeowners/default.aspx> (last visited Mar. 11, 2023).

²⁸ Section 627.70161, F.S.

²⁹ Department of Children and Families, *Child Care Provider List, 3-1-2023*, available at <https://www.myflfamilies.com/sites/default/files/2023-03/Public%20-%202023-3-1%20-%20Statewide.pdf>.

³⁰ Section 402.302(11), F.S.

³¹ Section 627.70161, F.S.

corresponding to various stages in a child's development. To be eligible, children must live in Florida and be 4 years old on or before September 1 of the current school year.³² Parents whose children are born between February 2 and September 1 can postpone enrolling their 4-year-old until the following year when their child is age 5. Private child care centers and schools, public schools, and specialized instructional services providers offer VPK.³³ Parents may choose to enroll their children in either a school-year or summer VPK program offered by either a public school or private prekindergarten provider. Since the program began in 2005-2006, more than 2.6 million children have benefited from VPK. Data collected by the Department of Education (DOE) show that children who participate in VPK are more ready for kindergarten than children who do not participate in VPK.³⁴

For the 2021-2022 VPK program year, 150,212 children participated in the school year VPK program and 2,882 children participated in the summer VPK program. Program participation was 64.14% of the 4 year old population.³⁵

VPK Administration

The DOE is responsible for ensuring that administrative expenditures are kept to the minimum necessary for efficient and effective administration of the VPK Program.³⁶ Each early learning coalition (coalition) may retain and expend no more than four percent of the funds paid by the coalition to VPK providers. Funds retained by a coalition may be used only for administering the VPK Program.³⁷ Total administrative expenditures for the 2021-2022 VPK program for all coalitions was \$12,145,890 with only 12 of 30 coalitions spending the full four percent allowed.³⁸

The DOE is required to establish a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children's progress, coordinating services among stakeholders, determining eligibility of children, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions.³⁹

Each coalition administers the VPK Program at the county or regional level for students enrolled in a school-year VPK program delivered by a private prekindergarten provider.⁴⁰ Each coalition is composed of at least 15 but not more than 30 members. The Governor appoints the chair and two other members of each early learning coalition, who must each meet the qualifications of a private sector business member. The coalition may appoint additional private sector business members.⁴¹

To be eligible to deliver the VPK program, a private prekindergarten provider must be a licensed or licensed-exempt child care facility.⁴² Exempt providers include certain nonpublic schools that primarily serve children at least 5 years of age or older,⁴³ accredited faith-based child care providers that are

³² Section 1002.53(2), F.S.

³³ In 2010, the Legislature established a specialized instructional services (SIS) program for children with disabilities as an option under the VPK program. Section 3, ch. 2010-227, *codified at* s. 1002.53(3)(d), F.S. Beginning with the 2012-13 academic year, a child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK program and has a current Individual Education Plan (IEP) developed by the district schoolboard. Specialized instructional services include applied behavior analysis, speech-language pathology, occupational therapy, and physical therapy. DOE is responsible for approving SIS providers.

³⁴ Florida Division of Early Learning, *About Voluntary Prekindergarten*, <https://www.floridaearlylearning.com/vpk/floridas-vpk-program> (last visited Mar. 11, 2023).

³⁵ Office of Economic & Demographic Research, *Early Learning Programs Estimating Conference Prekindergarten Education Program, February 16, 2023, Conference Package*, available at <http://edr.state.fl.us/Content/conferences/vpk/index.cfm>.

³⁶ Section 1002.71, F.S.

³⁷ Section 1002.71(7), F.S.

³⁸ Florida Department of Education, Division of Early Learning, *Annual Report 2021-22*, available at

<https://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/images/DEL%20Annual%20Report%202021-2022%20FINAL.pdf>.

³⁹ Section 1002.82, F.S.

⁴⁰ Section 1002.55(1), F.S.

⁴¹ Section 1002.83(6), F.S.

⁴² Section 1002.55(3)(a), F.S.

⁴³ Section 402.3025(2), F.S.

members of a larger organization with published health, safety, and sanitation standards,⁴⁴ and certain accredited child development programs on military bases.⁴⁵

VPK Personnel – Training Requirements

All providers, including licensed-exempt providers, must meet requirements for certification of personnel and background screening.⁴⁶ For the school year VPK program, a VPK instructor must successfully complete three emergent literacy training courses that include developmentally appropriate and experiential learning practices for children and a student performance standards training course approved by the DOE. The prekindergarten instructor must also complete an emergent literacy training course at least once every five years after initially completing the three emergent literacy training courses.⁴⁷

VPK personnel may also earn a literacy micro-credential and receive a \$2,000 stipend.⁴⁸ The literacy micro-credential provides instructional personnel with high-quality, evidence-based strategies for developing emergent literacy skills.⁴⁹ Enrollment in the program began on December 31, 2022.⁵⁰

Instructor requirements are more stringent for the summer VPK program. Each summer VPK program provider must have, for each prekindergarten class, at least one prekindergarten instructor who is a certified teacher or holds a bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science, or hold a certificate to teach any age from birth through grade 6 and holds a bachelor's or higher degree in elementary education and is not otherwise disqualified.⁵¹

VPK Accountability

Performance Standards and Curricula

Each VPK provider may select or design the curriculum that the provider uses to implement the VPK Program. The curriculum must be developmentally appropriate and must:⁵²

- Be designed to prepare a student for early literacy and provide for instruction in early math skills.
- Enhance the age-appropriate progress of students in attaining the performance standards adopted by DOE.
- Support student learning gains through differentiated instruction that shall be measured by the coordinated screening and progress monitoring program.

Program Assessment

All VPK providers are required to participate in a program assessment of each VPK classroom beginning with the 2022-2023 VPK Program. The program assessment measures the quality of teacher-child interactions, including emotional support, classroom organization, and instructional support for children ages 3 to 5 years. Early learning coalitions are responsible for the administration of the program assessments.⁵³

⁴⁴ Section 402.316(1), F.S.

⁴⁵ Section 1002.55(3)(a), F.S.

⁴⁶ Section 1002.55(3)(b)3., F.S.

⁴⁷ Section 1002.59, F.S.

⁴⁸ University of Florida Lastinger Center, *Emergent Literacy Micro-Credential*, <https://lastinger.center.ufl.edu/work/literacy/flamingo-literacy/literacy-microcredentials/emergent-literacy-microcredential/> (last visited Mar. 10, 2023).

⁴⁹ Section 1003.485(2)(h)1., F.S.

⁵⁰ University of Florida Lastinger Center, *Emergent Literacy Micro-Credential*, <https://lastinger.center.ufl.edu/work/literacy/flamingo-literacy/literacy-microcredentials/emergent-literacy-microcredential/> (last visited Mar. 10, 2023).

⁵¹ Section 1002.61(4), F.S.

⁵² Section 1002.67(2), F.S.

⁵³ Section 1002.68(2), F.S.

The program assessment score must constitute at least half of the provider performance metric developed by the DOE for the 2022-2023 VPK program year. The performance metric must include program assessment scores, learning gains, and learning outcomes from the coordinated screening and progress monitoring system. The methodology is required to include a statistical latent profile analysis developed by the DOE that produces a limited number of performance metric profiles which summarize the profiles of all VPK programs in designations consisting of “unsatisfactory,” “emerging proficiency,” “proficient,” “highly proficient,” and “excellent” or similar designations.⁵⁴ Beginning with the 2023-2024 program year, each VPK provider will be assigned a designation within 45 days after the conclusion of the VPK Program.⁵⁵

Student Assessment

The coordinated screening and progress monitoring program is the statewide, standardized assessment program known as Florida's Assessment of Student Thinking (FAST) using Star Early Literacy. This program is used to assess student achievement in early literacy and mathematics.⁵⁶ VPK Programs began implementing the FAST using Star Early Literacy in the 2022-2023 VPK Program Year.

A VPK student who exhibits a substantial deficiency in early literacy skills in accordance with the standards and based upon the results of the administration of the final coordinated screening and progress monitoring must be referred to the local school district and may be eligible to receive intensive reading interventions before participating in kindergarten. Such intensive reading interventions must be paid for using funds from the district's evidence-based reading instruction allocation.⁵⁷

Effect of Proposed Changes - Voluntary Prekindergarten Program

VPK Personnel – Training Requirements and Teaching Credentials

The bill authorizes a VPK instructor to complete the required three emergent literacy training courses within 45 days after being approved by the early learning coalition as lead instructor in a VPK classroom rather than as a pre-condition of employment. This may increase the number of available instructors, but VPK classes may be impacted if an instructor fails to complete all courses within the required timeframe. The bill also allows a prekindergarten instructor for summer VPK programs to have a child development associate credential issued by the National Credentialing Program for Professional Recognition, or a DCF approved credential the is equivalent or greater, if the instructor has completed the early learning micro-credential program as an alternative to the current statutory credentials required.

VPK Administration

The bill increases the percentage of funds paid by the early learning coalition to VPK providers that the coalition may retain and expend from four percent to five percent. The bill also authorizes the early learning coalitions to appoint an additional public sector member to their board to represent local law enforcement.

VPK Accountability

Performance Standards and Curriculum

The bill prohibits a public or private VPK provider's curriculum from using the coordinated screening and progress monitoring program or any other progress monitoring program for direct student instruction.

⁵⁴ Section 1002.68(4)(a), F.S.

⁵⁵ Section 1002.68(4)(f), F.S.

⁵⁶ Florida Division of Early Learning, *Florida's Assessment of Student Thinking (FAST) using Star Early Literacy*, <https://www.floridaearlylearning.com/vpk/fast> (last visited Mar. 10, 2023).

⁵⁷ Section. 1008.25(5), F.S.

The bill requires, for the 2022-2023 program year, private prekindergarten providers and public schools participating in the VPK Education Program that do not meet the minimum program assessment score for contracting adopted in rule by DOE to be subject to probation.

Program Assessment

Beginning in the 2023-2024 program year, the bill requires DOE to use existing funds to consult with the University of South Florida's Rightpath Research and Innovation Center to adopt the methodology for calculating each VPK provider's performance metric. The bill authorizes the program assessment scores to be calculated differently, based on the methodology adopted by DOE, than the program assessment composite score required for contracting. Beginning in the same program year, the bill also requires private prekindergarten providers or public schools that do not maintain the minimum program assessment composite score for contracting to notify the parents of each child enrolled in the VPK program and prohibits the provider or school from participating in the VPK program beginning in the following program year. The private prekindergarten provider or public school may request an additional program assessment to maintain eligibility for the following year, but would be responsible for the cost of the additional assessment.

Student Assessment – Literacy

The bill makes a VPK student who exhibits a substantial deficiency in early literacy skills eligible to receive early literacy skill instructional support through a summer bridge program the summer before participating in kindergarten. Under current law, a student must be referred to the local school district and eligibility for reading intervention “may” be authorized.

The bill specifies that the early literacy skill instructional support may be delivered by a private kindergarten provider or a public school that meets DOE requirements. The program shall be no more than four hours of instruction per day for a total of 140 hours. The early literacy skill instructional support may be paid for using any unused funds from the general appropriations act allocated for VPK from the prior fiscal year in accordance with the rate set for a student in a summer VPK program.

Present Situation - School Readiness Program Administration

The School Readiness (SR) Program provides subsidies for child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.⁵⁸ The SR Program offers financial assistance for child care to support working families and help children to develop skills for success in school. The program also provides developmental screening and referrals to health and education specialists where needed.⁵⁹

The DOE is required to monitor the alignment and consistency of the standards developed and adopted by DOE that address the age-appropriate progress of children in the development of school readiness skills. The standards for children from birth to kindergarten entry in the SR Program must be aligned with the performance standards adopted for children in the VPK Program and must address the following domains:⁶⁰

- Approaches to learning.
- Cognitive development and general knowledge.
- Numeracy, language, and communication.
- Physical development.
- Self-regulation.

Early learning coalitions may award grants and provide financial support to SR Program providers and their staff to assist them in meeting applicable state requirements for the program assessment, child

⁵⁸ Section 1002.87, F.S.

⁵⁹ Section 1002.86, F.S.

⁶⁰ Section 1002.82, F.S.

care performance standards, implementing developmentally appropriate curricula and related classroom resources that support curricula, providing literacy supports, and providing continued professional development and training. Early learning coalitions provide training, technical assistance, and financial support to school readiness program providers, staff, and parents on standards, child screenings, child assessments, child development research and best practices, developmentally appropriate curricula, character development, teacher-child interactions, age-appropriate discipline practices, health and safety, nutrition, first aid, cardiopulmonary resuscitation, the recognition of communicable diseases, and child abuse detection, prevention, and reporting.⁶¹

Effect of Proposed Changes - School Readiness Program Administration

The bill modifies the performance standards adopted for the VPK program to require the standards to address executive functioning domain instead of self-regulation. The bill authorizes DOE to use existing funds to commission a voluntary open-source school readiness curriculum that meets performance standards and:

- Is available on the Internet at no cost.
- Contains resources that support the use of the curriculum.
- Contains resources for parent engagement.
- Consists of aligned and effective professional development resources necessary to implement the curriculum with fidelity.

The bill requires DOE to establish a single statewide information system, using existing funds, to manage all early learning programs, including the implementation of a data sharing connection to the child care licensing and training platforms within the Child Care Services Program Office at DCF. Early learning programs and performance profiles must be integrated into the online profile and made available for parents to online.

The bill modifies s. 1002.89, F.S., to specifically authorize early learning coalitions to use School Readiness program funds to improve quality by:

- Implementing a developmentally appropriate curriculum that meets the performance standards for the School Readiness program.
- Supporting parent engagement.
- Supporting professional development through the Teacher Education and Compensation Helps (TEACH) Scholarship program.
- Providing training aligned to the early learning professional development standards and career pathways.
- Reimbursing providers for the cost for background screening.

Present Situation - Gold Seal Quality Care Program

The DOE administers the Gold Seal Quality Care program. In 1996,⁶² the Florida Legislature established the Gold Seal Quality Care Program to recognize child care facilities and family day care homes that have gone above the required minimum licensing standards to become accredited by recognized agencies whose standards reflect quality in the level of care and supervision provided to children. The Gold Seal Quality Care Program is not an accreditation, but a designation with potential benefits to those that participate including, but not limited to:⁶³

- A positive marketing tool for prospective parents.
- Tax exemptions. The Department of Revenue issues the exemption certificates for sales tax. This exemption is for certain educational materials.
- Higher reimbursement for School Readiness providers.
- Eligibility to participate in Voluntary Prekindergarten (VPK).

⁶¹ Section 1002.89, F.S.

⁶² Ch. 96-175, s. 72, Laws of Florida.

⁶³ Florida Division of Early Learning, *About the Gold Seal Quality Care Program*, available at:

<https://www.floridaearlylearning.com/providers/gold-seal-quality-care-program>.

Currently, 2,890 providers are listed as a Gold Seal Quality Care provider.⁶⁴

To obtain and maintain a designation as a Gold Seal Quality Care provider, a child care facility, large family child care home, or family day care home must have:

- No class I⁶⁵ violations within preceding 2 years;
- Less than 3 class II⁶⁶ violations within preceding 2 years;
- Less than 3 class III⁶⁷ violations within the preceding 2 years that were not corrected within 1 year.⁶⁸

The DOE has not terminated any providers from the program.

Effect of Proposed Changes - Gold Seal Quality Care Program

The bill modifies requirements for obtaining or maintaining the Gold Seal Quality Care designation by requiring a provider to not have three or more of the same Class II violations, rather than just three or more class II violations in general.

The bill provides an effective date July 1, 2023.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 402.305, F.S., relating to licensing standards; child care facilities.
- Section 2:** Amends s. 402.3115, F.S., relating to the elimination of duplicative and unnecessary inspections; abbreviated inspections.
- Section 3:** Amends s. 627.70161, F.S., relating to family day care insurance.
- Section 4:** Amends s. 1002.55, F.S., relating to school-year prekindergarten program delivered by private prekindergarten providers.
- Section 5:** Amends s. 1002.61, F.S., relating summer prekindergarten program delivered by public schools and private prekindergarten providers.
- Section 6:** Amends s. 1002.67, F.S., relating to performance standards and curricula.
- Section 7:** Amends s. 1002.68, F.S., relating to Voluntary Prekindergarten Education Program.
- Section 8:** Amends s. 1002.71, F.S., relating to funding; financial and attendance reporting.
- Section 9:** Amends s. 1002.82, F.S., relating to Department of Education; powers and duties.
- Section 10:** Amends s. 1002.83, F.S., relating to early learning coalitions.
- Section 11:** Amends s. 1002.89, F.S., relating to school readiness program; funding.
- Section 12:** Amends s. 1002.945, F.S., relating to Gold Seal Quality Care Program.
- Section 13:** Amends s. 1008.25, F.S., relating to public school student progression; student support; coordinated screening and progress monitoring; reporting requirements.
- Section 14:** Amends s. 1002.59, F.S., relating to emergent literacy and performance standards training courses.
- Section 15:** Provides an effective date.

⁶⁴ Department of Children and Families, *Child Care Provider List, 3-1-2023*, available at:

<https://www.myflfamilies.com/sites/default/files/2023-03/Public%20-%202023-3-1%20-%20Statewide.pdf>

⁶⁵ Class “I” violations are those conditions or occurrences related to the operation and maintenance of a provider or to the care of clients which the agency determines present an imminent danger to the clients of the provider or a substantial probability that death or serious physical or emotional harm would result therefrom. Section 408.813, F.S.

⁶⁶ Class “II” violations are those conditions or occurrences related to the operation and maintenance of a provider or to the care of clients which the agency determines directly threaten the physical or emotional health, safety, or security of the clients, other than class I violations. *Id.*

⁶⁷ Class “III” violations are those conditions or occurrences related to the operation and maintenance of a provider or to the care of clients which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of clients, other than class I or class II violations. *Id.*

⁶⁸ Section 1002.945, F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Unknown.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicability. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes DCF to adopt rules to implement the specified provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 23, 2023, the Education & Employment Committee adopted a Proposed Committee Substitute (PCS) and reported the PCS favorably as a committee substitute. The PCS differed from HB 1021 in the following ways:

- Clarified that the maximum tax credit afforded was \$3,600 per child per year;
- Clarified what taxes the tax credit could be applied to;
- Requires that the employee that receives the benefit be the caregiver, as defined in statute, for the child or grandchild;
- Established a cap of \$7.5 million for all tax credits granted under the bill;
- Authorized the DCF to prevent an individual from beginning work at a child care facility while awaiting background screening results if the DCF has reason to believe a disqualifying factor may exist;

- Clarified that DCF is responsible for developing the criteria for the abbreviated inspection process;
- Clarified that mandatory program assessments must be conducted in accordance with the requirements of the assessment provider;
- Authorized an early learning coalition to reimburse providers and staff for background screenings; and
- Authorized, rather than required, early learning coalitions to support TEACH scholarship instructors through specified reimbursements.

On April 12, 2023, the Ways & Means Committee adopted a PCS and reported the PCS favorably as a committee substitute. The PCS differed from CS/HB 1021 in the following ways:

- The tax credit is limited to corporate income taxpayers, is capped at \$2.5 million annually, and certain conforming and clarifying changes are made.
- Removed the requirement for DOE to competitively procure an independent expert with certain qualifications to complete a statistical analysis for purposes of developing VPK performance metrics, and
- Removed the requirement for DOE to contract for an IT system used to manage all early learning programs, including the child care licensing and child care training within DCF.

On April 24, 2024, the Health and Human Services Committee adopted an amendment and reported it favorably as a committee substitute. The amendment:

- Removes from the bill:
 - The preschool exemption from special assessments levied by municipalities, and
 - The corporate child tax credit for corporations providing child care services to employees' children and grandchildren.
- Requires DCF to complete child care personnel background screening and provide results to the child care facility within 10 business days rather than 3.
- Modifies certain licensing standards for child care facilities:
 - Requires DCF to provide training both online and in-person.
 - Removes the requirement for DCF to provide free online training.
 - Requires physical exams only for child care personnel who transport children.
 - Removes the prohibition on DCF requiring more than two CPR-trained staff members to be present at all times when children are present.
- Modifies requirements for VPK classroom instructors, curriculum, program assessments, implementation of accountability measures for VPK programs, and early literacy instructional support.
- Requires DOE to establish, within existing funds, a single statewide information system to manage all early learning programs and to implement data sharing connections to the child care licensing and training platforms with DCF.

The bill analysis is drafted to the committee substitute adopted by the Health and Human Services Committee.