

By the Committees on Appropriations; and Education; and Senator Legg

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1 A bill to be entitled
2 An act relating to early learning; creating s.
3 1001.213, F.S.; creating the Office of Early Learning
4 within the Department of Education's Office of
5 Independent Education and Parental Choice; providing
6 duties relating to the establishment and operation of
7 the school readiness program and the Voluntary
8 Prekindergarten Education Program; amending s.
9 1002.51, F.S.; conforming a cross-reference; providing
10 a definition; amending s. 1002.53, F.S.; clarifying
11 Voluntary Prekindergarten Education Program student
12 enrollment provisions; amending s. 1002.55, F.S.;
13 providing additional requirements for private
14 prekindergarten providers and instructors; providing
15 duties of the office; amending s. 1002.57, F.S.;
16 requiring the office to adopt standards for a
17 prekindergarten director credential; amending s.
18 1002.59, F.S.; requiring the office to adopt standards
19 for training courses; amending s. 1002.61, F.S.;
20 providing a requirement for a public school delivering
21 the summer prekindergarten program; amending s.
22 1002.63, F.S.; providing a requirement for a public
23 school delivering the school-year prekindergarten
24 program; amending s. 1002.66, F.S.; deleting obsolete
25 provisions; amending s. 1002.67, F.S.; requiring the
26 office to adopt performance standards for students in
27 the Voluntary Prekindergarten Education Program and
28 approve curricula; revising provisions relating to
29 removal of provider eligibility, submission of an

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30 improvement plan, and required corrective actions;
31 amending s. 1002.69, F.S.; providing duties of the
32 office relating to statewide kindergarten screening,
33 kindergarten readiness rates, and good cause
34 exemptions for providers; amending s. 1002.71, F.S.;
35 revising provisions relating to payment of funds to
36 providers; amending s. 1002.72, F.S.; providing for
37 the release of Voluntary Prekindergarten Education
38 Program student records for the purpose of
39 investigations; amending s. 1002.75, F.S.; revising
40 duties of the office for administering the Voluntary
41 Prekindergarten Education Program; amending s.
42 1002.77, F.S.; revising provisions relating to the
43 Florida Early Learning Advisory Council; amending s.
44 1002.79, F.S.; deleting certain State Board of
45 Education rulemaking authority for the Voluntary
46 Prekindergarten Education Program; creating part VI of
47 ch. 1002, F.S., consisting of ss. 1002.81-1002.96,
48 relating to the school readiness program; providing
49 definitions; providing powers and duties of the Office
50 of Early Learning; providing for early learning
51 coalitions; providing early learning coalition powers
52 and duties for the school readiness program; providing
53 requirements for early learning coalition plans;
54 providing a school readiness program education
55 component; providing school readiness program
56 eligibility and enrollment requirements; providing
57 school readiness program provider standards and
58 eligibility to deliver the school readiness program;

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59 providing school readiness program funding; providing
60 a market rate schedule; providing for the
61 investigation of fraud or overpayment; providing
62 penalties; providing for child care and early
63 childhood resource and referral; providing for school
64 readiness program transportation services; providing
65 for the Child Care Executive Partnership Program;
66 providing for the Teacher Education and Compensation
67 Helps scholarship program; providing for Early Head
68 Start collaboration grants; transferring, renumbering,
69 and amending s. 411.011, F.S., relating to the
70 confidentiality of records of children in the school
71 readiness program; revising provisions with respect to
72 the release of records; amending s. 11.45, F.S.;
73 conforming a cross-reference; amending s. 20.15, F.S.;
74 conforming provisions; amending s. 216.136, F.S.;
75 conforming a cross-reference; amending s. 402.281,
76 F.S.; revising requirements relating to receipt of a
77 Gold Seal Quality Care designation; amending s.
78 402.302, F.S.; conforming a cross-reference; amending
79 s. 402.305, F.S.; providing that certain child care
80 after-school programs may provide meals through a
81 federal program; amending ss. 445.023, 490.014, and
82 491.014, F.S.; conforming cross-references; amending
83 s. 1001.11, F.S.; providing a duty of the Commissioner
84 of Education relating to early learning programs;
85 repealing s. 411.01, F.S., relating to the school
86 readiness program and early learning coalitions;
87 repealing s. 411.0101, F.S., relating to child care

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88 and early childhood resource and referral; repealing
89 s. 411.01013, F.S., relating to the prevailing market
90 rate schedule; repealing s. 411.01014, F.S., relating
91 to school readiness transportation services; repealing
92 s. 411.01015, F.S., relating to consultation to child
93 care centers and family day care homes; repealing s.
94 411.0102, F.S., relating to the Child Care Executive
95 Partnership Act; repealing s. 411.0103, F.S., relating
96 to the Teacher Education and Compensation Helps
97 scholarship program; repealing s. 411.0104, relating
98 to Early Head Start collaboration grants; repealing s.
99 411.0105, F.S., relating to the Early Learning
100 Opportunities Act and Even Start Family Literacy
101 Programs; repealing s. 411.0106, F.S., relating to
102 infants and toddlers in state-funded education and
103 care programs; authorizing specified positions for the
104 Office of Early Learning; requiring the office to
105 develop a reorganization plan for the office and
106 submit the plan to the Governor and the Legislature;
107 providing an effective date.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. Section 1001.213, Florida Statutes, is created
112 to read:

113 1001.213 Office of Early Learning.—The Office of Early
114 Learning is created within the Department of Education's Office
115 of Independent Education and Parental Choice. The Office of
116 Early Learning, which shall be administered by an executive

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117 director, is fully accountable to the Commissioner of Education
118 but shall:

119 (1) Independently exercise all powers, duties, and
120 functions prescribed by law and shall not be construed as part
121 of the K-20 education system.

122 (2) Adopt rules for the establishment and operation of the
123 school readiness program and the Voluntary Prekindergarten
124 Education Program. The office shall submit the rules to the
125 State Board of Education for approval or disapproval. If the
126 state board does not act on a rule within 60 days after receipt,
127 the rule shall be filed immediately with the Department of
128 State.

129 (3) In compliance with part VI of chapter 1002 and its
130 powers and duties under s. 1002.82, administer the school
131 readiness program at the state level for the state's eligible
132 population described in s. 1002.87 and provide guidance to early
133 learning coalitions in the implementation of the program.

134 (4) In compliance with parts V and VI of chapter 1002 and
135 its powers and duties under s. 1002.75, administer the Voluntary
136 Prekindergarten Education Program at the state level.

137 (5) Administer the operational requirements of the child
138 care resource and referral network at the state level.

139 (6) Keep administrative staff to the minimum necessary to
140 administer the duties of the office.

141 Section 2. Subsection (4) of section 1002.51, Florida
142 Statutes, is amended, and subsection (8) is added to that
143 section, to read:

144 1002.51 Definitions.—As used in this part, the term:

145 (4) "Early learning coalition" or "coalition" means an

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146 early learning coalition created under s. 1002.83 ~~411.01~~.

147 (8) "Office" means the Office of Early Learning within the
148 Department of Education's Office of Independent Education and
149 Parental Choice.

150 Section 3. Paragraph (a) of subsection (4) and paragraph
151 (b) of subsection (6) of section 1002.53, Florida Statutes, are
152 amended to read:

153 1002.53 Voluntary Prekindergarten Education Program;
154 eligibility and enrollment.-

155 (4) (a) Each parent enrolling a child in the Voluntary
156 Prekindergarten Education Program must complete and submit an
157 application to the early learning coalition through the single
158 point of entry established under s. 1002.82 ~~411.01~~.

159 (6) (b) A parent may enroll his or her child with any public
160 school within the school district which is eligible to deliver
161 the Voluntary Prekindergarten Education Program under this part,
162 subject to available space. Each school district may limit the
163 number of students admitted by any public school for enrollment
164 in the school-year program; however, the school district must
165 provide for the admission of every eligible child within the
166 district whose parent enrolls the child in a summer
167 prekindergarten program delivered by a public school under s.
168 1002.61.

169 Section 4. Paragraphs (c) and (g) of subsection (3) of
170 section 1002.55, Florida Statutes, are amended, present
171 paragraph (i) of that subsection is redesignated as paragraph
172 (m), and new paragraphs (i), (j), (k), and (l) are added to that
173 subsection, to read:

174 1002.55 School-year prekindergarten program delivered by

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175 private prekindergarten providers.—

176 (3) To be eligible to deliver the prekindergarten program,
177 a private prekindergarten provider must meet each of the
178 following requirements:

179 (c) The private prekindergarten provider must have, for
180 each prekindergarten class of 11 children or fewer, at least one
181 prekindergarten instructor who meets each of the following
182 requirements:

183 1. The prekindergarten instructor must hold, at a minimum,
184 one of the following credentials:

185 a. A child development associate credential issued by the
186 National Credentialing Program of the Council for Professional
187 Recognition; or

188 b. A credential approved by the Department of Children and
189 Families ~~Family Services~~ as being equivalent to or greater than
190 the credential described in sub-subparagraph a.

191
192 The Department of Children and Families ~~Family Services~~ may
193 adopt rules under ss. 120.536(1) and 120.54 which provide
194 criteria and procedures for approving equivalent credentials
195 under sub-subparagraph b.

196 2. The prekindergarten instructor must successfully
197 complete an emergent literacy training course and a student
198 performance standards training course approved by the office
199 ~~department~~ as meeting or exceeding the minimum standards adopted
200 under s. 1002.59. The requirement for completion of the
201 standards training course shall take effect July 1, 2014, and
202 the course shall be available online. ~~This subparagraph does not~~
203 ~~apply to a prekindergarten instructor who successfully completes~~

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204 ~~approved training in early literacy and language development~~
205 ~~under s. 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5)~~
206 ~~before the establishment of one or more emergent literacy~~
207 ~~training courses under s. 1002.59 or April 1, 2005, whichever~~
208 ~~occurs later.~~

209 (g) ~~Before the beginning of the 2006-2007 school year,~~ The
210 private prekindergarten provider must have a prekindergarten
211 director who has a prekindergarten director credential that is
212 approved by the office ~~department~~ as meeting or exceeding the
213 minimum standards adopted under s. 1002.57. Successful
214 completion of a child care facility director credential under s.
215 402.305(2)(f) before the establishment of the prekindergarten
216 director credential under s. 1002.57 or July 1, 2006, whichever
217 occurs later, satisfies the requirement for a prekindergarten
218 director credential under this paragraph.

219 (i) The private prekindergarten provider must execute the
220 statewide provider contract prescribed under s. 1002.75, except
221 that an individual who owns or operates multiple private
222 prekindergarten providers within a coalition's service area may
223 execute a single agreement with the coalition on behalf of each
224 provider.

225 (j) The private prekindergarten provider must maintain
226 general liability insurance and provide the coalition with
227 written evidence of general liability insurance coverage,
228 including coverage for transportation of children if
229 prekindergarten students are transported by the provider. A
230 provider must obtain and retain an insurance policy that
231 provides a minimum of \$100,000 of coverage per occurrence and a
232 minimum of \$300,000 general aggregate coverage. The office may

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233 authorize lower limits upon request, as appropriate. A provider
234 must add the coalition as a named certificateholder and as an
235 additional insured. A provider must provide the coalition with a
236 minimum of 10 calendar days' advance written notice of
237 cancellation of or changes to coverage. The general liability
238 insurance required by this paragraph must remain in full force
239 and effect for the entire period of the provider contract with
240 the coalition.

241 (k) The private prekindergarten provider must obtain and
242 maintain any required workers' compensation insurance under
243 chapter 440 and any required reemployment assistance or
244 unemployment compensation coverage under chapter 443.

245 (l) Notwithstanding paragraph (j), for a private
246 prekindergarten provider that is a state agency or a subdivision
247 thereof, as defined in s. 768.28(2), the provider must agree to
248 notify the coalition of any additional liability coverage
249 maintained by the provider in addition to that otherwise
250 established under s. 768.28. The provider shall indemnify the
251 coalition to the extent permitted by s. 768.28.

252 Section 5. Subsection (1) of section 1002.57, Florida
253 Statutes, is amended to read:

254 1002.57 Prekindergarten director credential.—

255 (1) ~~By July 1, 2006,~~ The office, in consultation with the
256 Department of Children and Families, ~~department~~ shall adopt
257 minimum standards for a credential for prekindergarten directors
258 of private prekindergarten providers delivering the Voluntary
259 Prekindergarten Education Program. The credential must encompass
260 requirements for education and onsite experience.

261 Section 6. Section 1002.59, Florida Statutes, is amended to

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262 read:

263 1002.59 Emergent literacy and performance standards
264 training courses.-

265 (1) ~~By April 1, 2005,~~ The office department shall adopt
266 minimum standards for one or more training courses in emergent
267 literacy for prekindergarten instructors. Each course must
268 comprise 5 clock hours and provide instruction in strategies and
269 techniques to address the age-appropriate progress of
270 prekindergarten students in developing emergent literacy skills,
271 including oral communication, knowledge of print and letters,
272 phonemic and phonological awareness, and vocabulary and
273 comprehension development. Each course must also provide
274 resources containing strategies that allow students with
275 disabilities and other special needs to derive maximum benefit
276 from the Voluntary Prekindergarten Education Program. Successful
277 completion of an emergent literacy training course approved
278 under this section satisfies requirements for approved training
279 in early literacy and language development under ss.
280 402.305(2)(d)5., 402.313(6), and 402.3131(5).

281 (2) The office shall adopt minimum standards for one or
282 more training courses on the performance standards adopted under
283 s. 1002.67(1). Each course must comprise at least 3 clock hours,
284 provide instruction in strategies and techniques to address age-
285 appropriate progress of each child in attaining the standards,
286 and be available online.

287 Section 7. Subsections (3), (4), and (8) of section
288 1002.61, Florida Statutes, are amended to read:

289 1002.61 Summer prekindergarten program delivered by public
290 schools and private prekindergarten providers.-

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291 (3) (a) Each district school board shall determine which
292 public schools in the school district are eligible to deliver
293 the summer prekindergarten program. The school district shall
294 use educational facilities available in the public schools
295 during the summer term for the summer prekindergarten program.

296 (b) Each public school delivering the summer
297 prekindergarten program must execute the statewide provider
298 contract prescribed under s. 1002.75, except that the school
299 district may execute a single agreement with the early learning
300 coalition on behalf of all district schools.

301 (c) ~~(b)~~ Except as provided in this section, to be eligible
302 to deliver the summer prekindergarten program, a private
303 prekindergarten provider must meet each requirement in s.
304 1002.55.

305 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),
306 each public school and private prekindergarten provider must
307 have, for each prekindergarten class, at least one
308 prekindergarten instructor who~~+~~

309 ~~(a)~~ is a certified teacher~~+~~ or

310 ~~(b)~~ holds one of the educational credentials specified in
311 s. 1002.55(4)(a) or (b). As used in this subsection, the term
312 "certified teacher" means a teacher holding a valid Florida
313 educator certificate under s. 1012.56 who has the qualifications
314 required by the district school board to instruct students in
315 the summer prekindergarten program. In selecting instructional
316 staff for the summer prekindergarten program, each school
317 district shall give priority to teachers who have experience or
318 coursework in early childhood education.

319 (8) Each public school delivering the summer

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320 prekindergarten program must also~~+~~

321 ~~(a)~~ register with the early learning coalition on forms
322 prescribed by the Office of Early Learning~~+~~ and

323 ~~(b)~~ deliver the Voluntary Prekindergarten Education Program
324 in accordance with this part.

325 Section 8. Subsections (3) and (8) of section 1002.63,
326 Florida Statutes, are amended to read:

327 1002.63 School-year prekindergarten program delivered by
328 public schools.—

329 (3) (a) The district school board of each school district
330 shall determine which public schools in the district may deliver
331 the prekindergarten program during the school year.

332 (b) Each public school delivering the school-year
333 prekindergarten program must execute the statewide provider
334 contract prescribed under s. 1002.75, except that the school
335 district may execute a single agreement with the early learning
336 coalition on behalf of all district schools.

337 (8) Each public school delivering the school-year
338 prekindergarten program must~~+~~

339 ~~(a)~~ register with the early learning coalition on forms
340 prescribed by the Office of Early Learning~~+~~ and

341 ~~(b)~~ deliver the Voluntary Prekindergarten Education Program
342 in accordance with this part.

343 Section 9. Subsection (1) of section 1002.66, Florida
344 Statutes, is amended to read:

345 1002.66 Specialized instructional services for children
346 with disabilities.—

347 (1) ~~Beginning with the 2012-2013 school year,~~ A child who
348 has a disability and enrolls with the early learning coalition

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349 under s. 1002.53(3)(d) is eligible for specialized instructional
350 services if:

351 (a) The child is eligible for the Voluntary Prekindergarten
352 Education Program under s. 1002.53; and

353 (b) A current individual educational plan has been
354 developed for the child by the local school board in accordance
355 with rules of the State Board of Education.

356 Section 10. Subsection (1), paragraph (c) of subsection
357 (2), and subsection (4) of section 1002.67, Florida Statutes,
358 are amended to read:

359 1002.67 Performance standards; curricula and
360 accountability.—

361 (1) (a) The office ~~department~~ shall develop and adopt
362 performance standards for students in the Voluntary
363 Prekindergarten Education Program. The performance standards
364 must address the age-appropriate progress of students in the
365 development of:

366 1. The capabilities, capacities, and skills required under
367 s. 1(b), Art. IX of the State Constitution; and

368 2. Emergent literacy skills, including oral communication,
369 knowledge of print and letters, phonemic and phonological
370 awareness, and vocabulary and comprehension development.

371
372 By October 1, 2013, the office shall examine the existing
373 performance standards in the area of mathematical thinking and
374 develop a plan to make appropriate professional development and
375 training courses available to prekindergarten instructors.

376 (b) The office ~~State Board of Education~~ shall periodically
377 review and revise the performance standards for the statewide

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378 kindergarten screening administered under s. 1002.69 and align
379 the standards to the standards established by the state board
380 for student performance on the statewide assessments
381 administered pursuant to s. 1008.22.

382 (2)

383 (c) The office ~~department~~ shall review and approve
384 curricula for use by private prekindergarten providers and
385 public schools that are placed on probation under paragraph
386 (4) (c). The office ~~department~~ shall maintain a list of the
387 curricula approved under this paragraph. Each approved
388 curriculum must meet the requirements of paragraph (b).

389 (4) (a) Each early learning coalition shall verify that each
390 private prekindergarten provider delivering the Voluntary
391 Prekindergarten Education Program within the coalition's county
392 or multicounty region complies with this part. Each district
393 school board shall verify that each public school delivering the
394 program within the school district complies with this part.

395 (b) If a private prekindergarten provider or public school
396 fails or refuses to comply with this part, or if a provider or
397 school engages in misconduct, the office ~~of Early Learning~~ shall
398 require the early learning coalition to remove the provider, and
399 ~~the Department of Education shall~~ require the school district to
400 remove the school from eligibility to deliver the Voluntary
401 Prekindergarten Education Program and receive state funds under
402 this part for a period of 5 years.

403 (c)1. If the kindergarten readiness rate of a private
404 prekindergarten provider or public school falls below the
405 minimum rate adopted by the office ~~State Board of Education~~ as
406 satisfactory under s. 1002.69(6), the early learning coalition

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407 or school district, as applicable, shall require the provider or
408 school to submit an improvement plan for approval by the
409 coalition or school district, as applicable, and to implement
410 the plan;~~;~~

411 ~~2. If a private prekindergarten provider or public school~~
412 ~~fails to meet the minimum rate adopted by the State Board of~~
413 ~~Education as satisfactory under s. 1002.69(6), the early~~
414 ~~learning coalition or school district, as applicable, shall~~
415 place the provider or school on probation; and shall ~~must~~
416 require the provider or school to take certain corrective
417 actions, including the use of a curriculum approved by the
418 office ~~department~~ under paragraph (2)(c) or a staff development
419 plan to strengthen instruction in language development and
420 phonological awareness approved by the office ~~department~~.

421 ~~2.3.~~ A private prekindergarten provider or public school
422 that is placed on probation must continue the corrective actions
423 required under subparagraph 1. 2., including the use of a
424 curriculum or a staff development plan to strengthen instruction
425 in language development and phonological awareness approved by
426 the office ~~department~~, until the provider or school meets the
427 minimum rate adopted by the office ~~State Board of Education~~ as
428 satisfactory under s. 1002.69(6). Failure to implement an
429 approved improvement plan or staff development plan shall result
430 in the termination of the provider's contract to deliver the
431 Voluntary Prekindergarten Education Program for a period of 5
432 years.

433 ~~3.4.~~ If a private prekindergarten provider or public school
434 remains on probation for 2 consecutive years and fails to meet
435 the minimum rate adopted by the office ~~State Board of Education~~

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436 as satisfactory under s. 1002.69(6) and is not granted a good
437 cause exemption by the office ~~department~~ pursuant to s.
438 1002.69(7), the office ~~of Early Learning~~ shall require the early
439 learning coalition or ~~the Department of Education~~ shall require
440 the school district to remove, as applicable, the provider or
441 school from eligibility to deliver the Voluntary Prekindergarten
442 Education Program and receive state funds for the program for a
443 period of 5 years.

444 (d) Each early learning coalition and, ~~the office of Early~~
445 ~~Learning, and the department~~ shall coordinate with the Child
446 Care Services Program Office of the Department of Children and
447 Families ~~Family Services~~ to minimize interagency duplication of
448 activities for monitoring private prekindergarten providers for
449 compliance with requirements of the Voluntary Prekindergarten
450 Education Program under this part, the school readiness program
451 ~~programs~~ under part VI of this chapter ~~s. 411.01~~, and the
452 licensing of providers under ss. 402.301-402.319.

453 Section 11. Subsections (2), (5), (6), and (7) of section
454 1002.69, Florida Statutes, are amended to read:

455 1002.69 Statewide kindergarten screening; kindergarten
456 readiness rates; state-approved prekindergarten enrollment
457 screening; good cause exemption.-

458 (2) The statewide kindergarten screening shall provide
459 objective data concerning each student's readiness for
460 kindergarten and progress in attaining the performance standards
461 adopted by the office ~~department~~ under s. 1002.67(1).

462 (5) The office ~~State Board of Education~~ shall adopt
463 procedures ~~for the department~~ to annually calculate each private
464 prekindergarten provider's and public school's kindergarten

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465 readiness rate, which must be expressed as the percentage of the
466 provider's or school's students who are assessed as ready for
467 kindergarten. The methodology for calculating each provider's
468 kindergarten readiness rate must include student learning gains
469 when available and the percentage of students who meet all state
470 readiness measures. The rates must not include students who are
471 not administered the statewide kindergarten screening. The
472 office ~~state board~~ shall determine learning gains using a value-
473 added measure based on growth demonstrated by the results of the
474 preassessment and postassessment ~~pre- and post-assessment~~ from
475 at least 2 successive years of administration of the
476 preassessment and postassessment ~~pre- and post-assessment~~.

477 (6) The office ~~State Board of Education~~ shall periodically
478 adopt a minimum kindergarten readiness rate that, if achieved by
479 a private prekindergarten provider or public school, would
480 demonstrate the provider's or school's satisfactory delivery of
481 the Voluntary Prekindergarten Education Program.

482 (7) (a) Notwithstanding s. 1002.67(4)(c)3. ~~1002.67(4)(c)4.~~,
483 the office ~~State Board of Education~~, upon the request of a
484 private prekindergarten provider or public school that remains
485 on probation for 2 consecutive years or more and subsequently
486 fails to meet the minimum rate adopted under subsection (6) and
487 for good cause shown, may grant to the provider or school an
488 exemption from being determined ineligible to deliver the
489 Voluntary Prekindergarten Education Program and receive state
490 funds for the program. Such exemption is valid for 1 year and,
491 upon the request of the private prekindergarten provider or
492 public school and for good cause shown, may be renewed.

493 (b) A private prekindergarten provider's or public school's

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494 request for a good cause exemption, or renewal of such an
495 exemption, must be submitted to the office ~~state board~~ in the
496 manner and within the timeframes prescribed by the office ~~state~~
497 ~~board~~ and must include the following:

498 1. Submission of data by the private prekindergarten
499 provider or public school which documents the achievement and
500 progress of the children served as measured by the state-
501 approved prekindergarten enrollment screening and the
502 standardized postassessment approved by the office ~~department~~
503 pursuant to subparagraph (c)1.

504 2. Submission and review of data available from the
505 respective early learning coalition or district school board,
506 the Department of Children and Families ~~Family Services~~, local
507 licensing authority, or an accrediting association, as
508 applicable, relating to the private prekindergarten provider's
509 or public school's compliance with state and local health and
510 safety standards.

511 3. Submission and review of data available to the office
512 ~~department~~ on the performance of the children served and the
513 calculation of the private prekindergarten provider's or public
514 school's kindergarten readiness rate.

515 (c) The office ~~State Board of Education~~ shall adopt
516 criteria for granting good cause exemptions. Such criteria shall
517 include, but are not limited to:

518 1. Learning gains of children served in the Voluntary
519 Prekindergarten Education Program by the private prekindergarten
520 provider or public school.

521 2. Verification that local and state health and safety
522 requirements are met.

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523 (d) A good cause exemption may not be granted to any
524 private prekindergarten provider that has any class I violations
525 or two or more class II violations within the 2 years preceding
526 the provider's or school's request for the exemption. For
527 purposes of this paragraph, class I and class II violations have
528 the same meaning as provided in s. 402.281(4).

529 (e) A private prekindergarten provider or public school
530 granted a good cause exemption shall continue to implement its
531 improvement plan and continue the corrective actions required
532 under s. 1002.67(4)(c)1. ~~1002.67(4)(c)2.~~, including the use of a
533 curriculum approved by the office department, until the provider
534 or school meets the minimum rate adopted under subsection (6).

535 ~~(f) The State Board of Education shall notify the Office of~~
536 ~~Early Learning of any good cause exemption granted to a private~~
537 ~~prekindergarten provider under this subsection.~~ If a good cause
538 exemption is granted to a private prekindergarten provider who
539 remains on probation for 2 consecutive years, the office ~~of~~
540 ~~Early Learning~~ shall notify the early learning coalition of the
541 good cause exemption and direct that the coalition,
542 notwithstanding s. 1002.67(4)(c)3. ~~1002.67(4)(c)4.~~, not remove
543 the provider from eligibility to deliver the Voluntary
544 Prekindergarten Education Program or to receive state funds for
545 the program, if the provider meets all other applicable
546 requirements of this part.

547 Section 12. Paragraph (d) of subsection (3) and subsections
548 (5) and (7) of section 1002.71, Florida Statutes, are amended to
549 read:

550 1002.71 Funding; financial and attendance reporting.-

551 (3)

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552 (d) For programs offered by school districts pursuant to s.
553 1002.61 ~~and beginning with the 2009 summer program~~, each
554 district's funding shall be based on a student enrollment that
555 is evenly divisible by 12. If the result of dividing a
556 district's student enrollment by 12 is not a whole number, the
557 district's enrollment calculation shall be adjusted by adding
558 the minimum number of students to produce a student enrollment
559 calculation that is evenly divisible by 12.

560 (5) (a) Each early learning coalition shall maintain through
561 the single point of entry established under s. 1002.82 ~~411.01~~ a
562 current database of the students enrolled in the Voluntary
563 Prekindergarten Education Program for each county within the
564 coalition's region.

565 (b) The Office of Early Learning shall adopt procedures for
566 the payment of private prekindergarten providers and public
567 schools delivering the Voluntary Prekindergarten Education
568 Program. The procedures shall provide for the advance payment of
569 providers and schools based upon student enrollment in the
570 program, the certification of student attendance, and the
571 reconciliation of advance payments in accordance with the
572 uniform attendance policy adopted under paragraph (6) (d). The
573 procedures shall provide for the monthly distribution of funds
574 by the Office of Early Learning to the early learning coalitions
575 for payment by the coalitions to private prekindergarten
576 providers and public schools. ~~The department shall transfer to~~
577 ~~the Office of Early Learning at least once each quarter the~~
578 ~~funds available for payment to private prekindergarten providers~~
579 ~~and public schools in accordance with this paragraph from the~~
580 ~~funds appropriated for that purpose.~~

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581 (7) The Office of Early Learning shall require that
582 administrative expenditures be kept to the minimum necessary for
583 efficient and effective administration of the Voluntary
584 Prekindergarten Education Program. Administrative policies and
585 procedures shall be revised, to the maximum extent practicable,
586 to incorporate the use of automation and electronic submission
587 of forms, including those required for child eligibility and
588 enrollment, provider and class registration, and monthly
589 certification of attendance for payment. A school district may
590 use its automated daily attendance reporting system for the
591 purpose of transmitting attendance records to the early learning
592 coalition in a mutually agreed-upon format. In addition, actions
593 shall be taken to reduce paperwork, eliminate the duplication of
594 reports, and eliminate other duplicative activities. ~~Beginning~~
595 ~~with the 2011-2012 fiscal year,~~ Each early learning coalition
596 may retain and expend no more than 4.0 percent of the funds paid
597 by the coalition to private prekindergarten providers and public
598 schools under paragraph (5) (b). Funds retained by an early
599 learning coalition under this subsection may be used only for
600 administering the Voluntary Prekindergarten Education Program
601 and may not be used for the school readiness program or other
602 programs.

603 Section 13. Paragraph (a) of subsection (3) of section
604 1002.72, Florida Statutes, is amended to read:

605 1002.72 Records of children in the Voluntary
606 Prekindergarten Education Program.—

607 (3) (a) Confidential and exempt Voluntary Prekindergarten
608 Education Program records may be released to:

609 1. The United States Secretary of Education, the United

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610 States Secretary of Health and Human Services, and the
611 Comptroller General of the United States for the purpose of
612 federal audits or investigations.

613 2. Individuals or organizations conducting studies for
614 institutions to develop, validate, or administer assessments or
615 improve instruction.

616 3. Accrediting organizations in order to carry out their
617 accrediting functions.

618 4. Appropriate parties in connection with an emergency if
619 the information is necessary to protect the health or safety of
620 the child or other individuals.

621 5. The Auditor General in connection with his or her
622 official functions.

623 6. A court of competent jurisdiction in compliance with an
624 order of that court pursuant to a lawfully issued subpoena.

625 7. Parties to an interagency agreement among early learning
626 coalitions, local governmental agencies, Voluntary
627 Prekindergarten Education Program providers, or state agencies
628 for the purpose of implementing the Voluntary Prekindergarten
629 Education Program.

630 Section 14. Subsection (1) and paragraphs (a) and (d) of
631 subsection (2) of section 1002.75, Florida Statutes, are amended
632 to read:

633 1002.75 Office of Early Learning; powers and duties ~~+~~
634 ~~operational requirements.~~

635 (1) The Office of Early Learning shall adopt by rule a
636 standard statewide provider contract to be used with each
637 Voluntary Prekindergarten Education Program provider, with
638 standardized attachments by provider type. The office shall

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639 publish a copy of the standard statewide provider contract on
640 its website. The standard statewide contract shall include, at a
641 minimum, provisions for provider probation, termination for
642 cause, and emergency termination for those actions or inactions
643 of a provider that pose an immediate and serious danger to the
644 health, safety, or welfare of children. The standard statewide
645 contract shall also include appropriate due process procedures.
646 During the pendency of an appeal of a termination, the provider
647 may not continue to offer its services. Any provision imposed
648 upon a provider that is inconsistent with, or prohibited by, law
649 is void and unenforceable. ~~The Office of Early Learning shall~~
650 ~~administer the operational requirements of the Voluntary~~
651 ~~Prekindergarten Education Program at the state level.~~

652 (2) The Office of Early Learning shall adopt procedures
653 governing the administration of the Voluntary Prekindergarten
654 Education Program by the early learning coalitions and school
655 districts for:

656 (a) Enrolling children in and determining the eligibility
657 of children for the Voluntary Prekindergarten Education Program
658 under s. 1002.53, which shall include the enrollment of children
659 by public schools and private providers that meet specified
660 requirements.

661 (d) Determining the eligibility of private prekindergarten
662 providers to deliver the program under ss. 1002.55 and 1002.61
663 and streamlining the process of provider eligibility whenever
664 possible.

665 Section 15. Subsections (1) through (3) of section 1002.77,
666 Florida Statutes, are amended to read:

667 1002.77 Florida Early Learning Advisory Council.—

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668 (1) There is created the Florida Early Learning Advisory
669 Council within the Office of Early Learning. The purpose of the
670 advisory council is to submit recommendations to the office
671 ~~department~~ on the early learning best practices ~~policy of this~~
672 ~~state~~, including recommendations relating to the most effective
673 administration of the Voluntary Prekindergarten Education
674 Program under this part and the school readiness program
675 ~~programs~~ under part VI of this chapter s. 411.01. The advisory
676 council shall periodically analyze and provide recommendations
677 to the office on the effective and efficient use of local,
678 state, and federal funds; the content of professional
679 development training programs; and best practices for the
680 development and implementation of coalition plans pursuant to s.
681 1002.85.

682 (2) The advisory council shall be composed of the following
683 members:

684 (a) The chair of the advisory council who shall be
685 appointed by and serve at the pleasure of the Governor.

686 (b) The chair of each early learning coalition.

687 (c) One member who shall be appointed by and serve at the
688 pleasure of the President of the Senate.

689 (d) One member who shall be appointed by and serve at the
690 pleasure of the Speaker of the House of Representatives.

691
692 The chair of the advisory council appointed by the Governor and
693 the members appointed by the presiding officers of the
694 Legislature must be from the business community and be in
695 compliance with s. 1002.83(5) ~~each have a background in early~~
696 ~~learning.~~

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697 (3) The advisory council shall meet at least quarterly but
698 may meet as often as necessary to carry out its duties and
699 responsibilities. The advisory council may use any method of
700 telecommunications to conduct meetings, including establishing a
701 quorum through telecommunications, only if the public is given
702 proper notice of a telecommunications meeting and reasonable
703 access to observe and, when appropriate, participate.

704 Section 16. Section 1002.79, Florida Statutes, is amended
705 to read:

706 1002.79 Rulemaking authority.—

707 ~~(1) The State Board of Education shall adopt rules under~~
708 ~~ss. 120.536(1) and 120.54 to administer the provisions of this~~
709 ~~part conferring duties upon the department.~~

710 ~~(2)~~ The Office of Early Learning shall adopt rules under
711 ss. 120.536(1) and 120.54 to administer the provisions of this
712 part conferring duties upon the office.

713 Section 17. Part VI of chapter 1002, Florida Statutes,
714 consisting of sections 1002.81 through 1002.96, is created to
715 read:

716 PART VI

717 SCHOOL READINESS PROGRAM

718 1002.81 Definitions.—Consistent with the requirements of 45
719 C.F.R. parts 98 and 99 and as used in this part, the term:

720 (1) "At-risk child" means:

721 (a) A child from a family under investigation by the
722 Department of Children and Families or a designated sheriff's
723 office for child abuse, neglect, abandonment, or exploitation.

724 (b) A child who is in a diversion program provided by the
725 Department of Children and Families or its contracted provider

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726 and who is from a family that is actively participating and
727 complying in department-prescribed activities, including
728 education, health services, or work.

729 (c) A child from a family that is under supervision by the
730 Department of Children and Families or a contracted service
731 provider for abuse, neglect, abandonment, or exploitation.

732 (d) A child placed in court-ordered, long-term custody or
733 under the guardianship of a relative or nonrelative after
734 termination of supervision by the Department of Children and
735 Families or its contracted provider.

736 (e) A child in the custody of a parent who is a victim of
737 domestic violence residing in a certified domestic violence
738 center.

739 (f) A child in the custody of a parent who is considered
740 homeless as verified by a Department of Children and Families
741 certified homeless shelter.

742 (2) "Authorized hours of care" means the hours of care that
743 are necessary to provide protection, maintain employment, or
744 complete work activities or eligible educational activities,
745 including reasonable travel time.

746 (3) "Average market rate" means the biennially determined
747 average of the market rate by program care level and provider
748 type in a predetermined geographic market.

749 (4) "Direct enhancement services" means services for
750 families and children that are in addition to payments for the
751 placement of children in the school readiness program. Direct
752 enhancement services for families and children may include
753 supports for providers, parent training and involvement
754 activities, and strategies to meet the needs of unique

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755 populations and local eligibility priorities. Direct enhancement
756 services offered by an early learning coalition shall be
757 consistent with the activities prescribed in s. 1002.89(6)(b).

758 (5) "Disenrollment" means the removal either temporary or
759 permanent, of a child from participation in the school readiness
760 program. Removal of a child from the school readiness program
761 may be based on the following events: a reduction in available
762 school readiness program funding, participant's failure to meet
763 eligibility or program participation requirements, fraud, or a
764 change in local service priorities.

765 (6) "Earned income" means gross remuneration derived from
766 work, professional service, or self-employment. The term
767 includes commissions, bonuses, back pay awards, and the cash
768 value of all remuneration paid in a medium other than cash.

769 (7) "Economically disadvantaged" means having a family
770 income that does not exceed 150 percent of the federal poverty
771 level and includes being a child of a working migratory family
772 as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural
773 worker who is employed by more than one agricultural employer
774 during the course of a year, and whose income varies according
775 to weather conditions and market stability.

776 (8) "Family income" means the combined gross income,
777 whether earned or unearned, that is derived from any source by
778 all family or household members who are 18 years of age or older
779 who are currently residing together in the same dwelling unit.
780 The term does not include income earned by a currently enrolled
781 high school student who, since attaining the age of 18 years, or
782 a student with a disability who, since attaining the age of 22
783 years, has not terminated school enrollment or received a high

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784 school diploma, high school equivalency diploma, special
785 diploma, or certificate of high school completion. The term also
786 does not include food stamp benefits or federal housing
787 assistance payments issued directly to a landlord or the
788 associated utilities expenses.

789 (9) "Family or household members" means spouses, former
790 spouses, persons related by blood or marriage, persons who are
791 parents of a child in common regardless of whether they have
792 been married, and other persons who are currently residing
793 together in the same dwelling unit as if a family.

794 (10) "Full-time care" means at least 6 hours, but not more
795 than 11 hours, of child care or early childhood education
796 services within a 24-hour period.

797 (11) "Market rate" means the price that a child care or
798 early childhood education provider charges for full-time or
799 part-time daily, weekly, or monthly child care or early
800 childhood education services.

801 (12) "Office" means the Office of Early Learning within the
802 Department of Education's Office of Independent Education and
803 Parental Choice.

804 (13) "Part-time care" means less than 6 hours of child care
805 or early childhood education services within a 24-hour period.

806 (14) "Single point of entry" means an integrated
807 information system that allows a parent to enroll his or her
808 child in the school readiness program or the Voluntary
809 Prekindergarten Education Program at various locations
810 throughout a county, that may allow a parent to enroll his or
811 her child by telephone or through a website, and that uses a
812 uniform waiting list to track eligible children waiting for

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813 enrollment in the school readiness program.

814 (15) "Unearned income" means income other than earned
815 income. The term includes, but is not limited to:

816 (a) Documented alimony and child support received.

817 (b) Social security benefits.

818 (c) Supplemental security income benefits.

819 (d) Workers' compensation benefits.

820 (e) Reemployment assistance or unemployment compensation
821 benefits.

822 (f) Veterans' benefits.

823 (g) Retirement benefits.

824 (h) Temporary cash assistance under chapter 414.

825 (16) "Working family" means:

826 (a) A single-parent family in which the parent with whom
827 the child resides is employed or engaged in eligible work or
828 education activities for at least 20 hours per week;

829 (b) A two-parent family in which both parents with whom the
830 child resides are employed or engaged in eligible work or
831 education activities for a combined total of at least 40 hours
832 per week; or

833 (c) A two-parent family in which one of the parents with
834 whom the child resides is exempt from work requirements due to
835 age or disability, as determined and documented by a physician
836 licensed under chapter 458 or chapter 459, and one parent is
837 employed or engaged in eligible work or education activities at
838 least 20 hours per week.

839 1002.82 Office of Early Learning; powers and duties.-

840 (1) For purposes of administration of the Child Care and
841 Development Block Grant Trust Fund, pursuant to 45 C.F.R. parts

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842 98 and 99, the Office of Early Learning is designated as the
843 lead agency and must comply with lead agency responsibilities
844 pursuant to federal law. The office may apply to the Governor
845 and Cabinet for a waiver of, and the Governor and Cabinet may
846 waive, any provision of ss. 411.223 and 1003.54 if the waiver is
847 necessary for implementation of the school readiness program.
848 Section 125.901(2)(a)3. does not apply to the school readiness
849 program.

850 (2) The office shall:

851 (a) Focus on improving the educational quality delivered by
852 all providers participating in the school readiness program.

853 (b) Preserve parental choice by permitting parents to
854 choose from a variety of child care categories, including
855 center-based care, family child care, and informal child care to
856 the extent authorized in the state's Child Care and Development
857 Fund Plan as approved by the United States Department of Health
858 and Human Services pursuant to 45 C.F.R. s. 98.18. Care and
859 curriculum by a faith-based provider may not be limited or
860 excluded in any of these categories.

861 (c) Be responsible for the prudent use of all public and
862 private funds in accordance with all legal and contractual
863 requirements, safeguarding the effective use of federal, state,
864 and local resources to achieve the highest practicable level of
865 school readiness for the children described in s. 1002.87,
866 including:

867 1. The adoption of a uniform chart of accounts for
868 budgeting and financial reporting purposes that provides
869 standardized definitions for expenditures and reporting,
870 consistent with the requirements of 45 C.F.R. part 98 and s.

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871 1002.89 for each of the following categories of expenditure:
872 a. Direct services to children.
873 b. Administrative costs.
874 c. Quality activities.
875 d. Nondirect services.
876 2. Coordination with other state and federal agencies to
877 perform data matches on children participating in the school
878 readiness program and their families in order to verify the
879 children's eligibility pursuant to s. 1002.87.
880 (d) Establish procedures for the biennial calculation of
881 the average market rate.
882 (e) Review each early learning coalition's school readiness
883 program plan every 2 years and provide final approval of the
884 plan and any amendments submitted.
885 (f) Establish a unified approach to the state's efforts to
886 coordinate a comprehensive early learning program. In support of
887 this effort, the office:
888 1. Shall adopt specific program support services that
889 address the state's school readiness program, including:
890 a. Statewide data information program requirements that
891 include:
892 (I) Eligibility requirements.
893 (II) Financial reports.
894 (III) Program accountability measures.
895 (IV) Child progress reports.
896 b. Child care resource and referral services.
897 c. A single point of entry and uniform waiting list.
898 2. May provide technical assistance and guidance on
899 additional support services to complement the school readiness

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- 900 program, including:
- 901 a. Rating and improvement systems.
- 902 b. Warm-Line services.
- 903 c. Anti-fraud plans.
- 904 d. School readiness program standards.
- 905 e. Child screening and assessments.
- 906 f. Training and support for parental involvement in
- 907 children's early education.
- 908 g. Family literacy activities and services.
- 909 (g) Provide technical assistance to early learning
- 910 coalitions.
- 911 (h) In cooperation with the early learning coalitions,
- 912 coordinate with the Child Care Services Program Office of the
- 913 Department of Children and Families to reduce paperwork and to
- 914 avoid duplicating interagency activities, health and safety
- 915 monitoring, and acquiring and composing data pertaining to child
- 916 care training and credentialing.
- 917 (i) Develop, in coordination with the Child Care Services
- 918 Program Office of the Department of Children and Families, and
- 919 adopt a health and safety checklist to be completed by license-
- 920 exempt providers that does not exceed the requirements s.
- 921 402.305.
- 922 (j) Develop and adopt standards and benchmarks that address
- 923 the age-appropriate progress of children in the development of
- 924 school readiness skills. The standards for children from birth
- 925 to 5 years of age in the school readiness program must be
- 926 aligned with the performance standards adopted for children in
- 927 the Voluntary Prekindergarten Education Program and must address
- 928 the following domains:

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- 929 1. Approaches to learning.
- 930 2. Cognitive development and general knowledge.
- 931 3. Numeracy, language, and communication.
- 932 4. Physical development.
- 933 5. Self-regulation.
- 934 (k) Select assessments that are valid, reliable, and
935 developmentally appropriate for use as preassessment and
936 postassessment for the age ranges specified in the coalition
937 plans. The assessments must be designed to measure progress in
938 the domains of the performance standards adopted pursuant to
939 paragraph (j), provide appropriate accommodations for children
940 with disabilities and English language learners, and be
941 administered by qualified individuals, consistent with the
942 publisher's instructions.
- 943 (l) Adopt a list of approved curricula that meet the
944 performance standards for the school readiness program and
945 establish a process for the review and approval of a provider's
946 curriculum that meets the performance standards.
- 947 (m) Adopt by rule a standard statewide provider contract to
948 be used with each school readiness program provider, with
949 standardized attachments by provider type. The office shall
950 publish a copy of the standard statewide provider contract on
951 its website. The standard statewide contract shall include, at a
952 minimum, provisions for provider probation, termination for
953 cause, and emergency termination for those actions or inactions
954 of a provider that pose an immediate and serious danger to the
955 health, safety, or welfare of the children. The standard
956 statewide provider contract shall also include appropriate due
957 process procedures. During the pendency of an appeal of a

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958 termination, the provider may not continue to offer its
959 services. Any provision imposed upon a provider that is
960 inconsistent with, or prohibited by, law is void and
961 unenforceable.

962 (n) Establish a single statewide information system that
963 each coalition must use for the purposes of managing the single
964 point of entry, tracking children's progress, coordinating
965 services among stakeholders, determining eligibility of
966 children, tracking child attendance, and streamlining
967 administrative processes for providers and early learning
968 coalitions.

969 (o) Adopt by rule standardized procedures for coalitions to
970 use when monitoring the compliance of school readiness program
971 providers with the terms of the standard statewide provider
972 contract.

973 (p) Monitor and evaluate the performance of each early
974 learning coalition in administering the school readiness
975 program, ensuring proper payments for school readiness program
976 services, implementing the coalition's school readiness program
977 plan, and administering the Voluntary Prekindergarten Education
978 Program. These monitoring and performance evaluations must
979 include, at a minimum, onsite monitoring of each coalition's
980 finances, management, operations, and programs.

981 (q) Work in conjunction with the Bureau of Federal
982 Education Programs within the Department of Education to
983 coordinate readiness and voluntary prekindergarten services to
984 the populations served by the bureau.

985 (r) Administer a statewide toll-free Warm-Line to provide
986 assistance and consultation to child care facilities and family

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987 day care homes regarding health, developmental, disability, and
988 special needs issues of the children they are serving,
989 particularly children with disabilities and other special needs.

990 The office shall:

991 1. Annually inform child care facilities and family day
992 care homes of the availability of this service through the child
993 care resource and referral network under s. 1002.92.

994 2. Expand or contract for the expansion of the Warm-Line to
995 maintain at least one Warm-Line in each early learning coalition
996 service area.

997 (3) If the office determines during the review of school
998 readiness program plans, or through monitoring and performance
999 evaluations conducted under s. 1002.85, that an early learning
1000 coalition has not substantially implemented its plan, has not
1001 substantially met the performance standards and outcome measures
1002 adopted by the office, or has not effectively administered the
1003 school readiness program or Voluntary Prekindergarten Education
1004 Program, the office may temporarily contract with a qualified
1005 entity to continue school readiness program and prekindergarten
1006 services in the coalition's county or multicounty region until
1007 the office reestablishes the coalition and a new school
1008 readiness program plan is approved in accordance with the rules
1009 adopted by the office.

1010 (4) The office may request the Governor to apply for a
1011 waiver to allow a coalition to administer the Head Start Program
1012 to accomplish the purposes of the school readiness program.

1013 (5) By January 1 of each year, the office shall publish on
1014 its website a report of its activities conducted under this
1015 section. The report must include a summary of the coalitions'

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1016 annual reports, a statewide summary, and the following:

1017 (a) An analysis of early learning activities throughout the
1018 state, including the school readiness program and the Voluntary
1019 Prekindergarten Education Program.

1020 1. The total and average number of children served in the
1021 school readiness program, enumerated by age, eligibility
1022 priority category, and coalition, and the total number of
1023 children served in the Voluntary Prekindergarten Education
1024 Program.

1025 2. A summary of expenditures by coalition, by fund source,
1026 including a breakdown by coalition of the percentage of
1027 expenditures for administrative activities, quality activities,
1028 nondirect services, and direct services for children.

1029 3. A description of the office's and each coalition's
1030 expenditures by fund source for the quality and enhancement
1031 activities described in s. 1002.89(6)(b).

1032 4. A summary of annual findings and collections related to
1033 provider fraud and parent fraud.

1034 5. Data regarding the coalitions' delivery of early
1035 learning programs.

1036 6. The total number of children disenrolled statewide and
1037 the reason for disenrollment.

1038 7. The total number of providers by provider type.

1039 8. The total number of provider contracts revoked and the
1040 reasons for revocation.

1041 (b) A summary of the activities and detailed expenditures
1042 related to the Child Care Executive Partnership Program.

1043 (6) (a) Parental choice of child care providers, including
1044 private and faith-based providers, shall be established to the

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1045 maximum extent practicable in accordance with 45 C.F.R. s.
1046 98.30.

1047 (b) As used in this subsection, the term "payment
1048 certificate" means a child care certificate as defined in 45
1049 C.F.R. s. 98.2.

1050 (c) The school readiness program shall, in accordance with
1051 45 C.F.R. s. 98.30, provide parental choice through a payment
1052 certificate that provides, to the maximum extent possible,
1053 flexibility in the school readiness program and payment
1054 arrangements. The payment certificate must bear the names of the
1055 beneficiary and the program provider and, when redeemed, must
1056 bear the signatures of both the beneficiary and an authorized
1057 representative of the provider.

1058 (d) If it is determined that a provider has given any cash
1059 or other consideration to the beneficiary in return for
1060 receiving a payment certificate, the early learning coalition or
1061 its fiscal agent shall refer the matter to the Department of
1062 Financial Services pursuant to s. 414.411 for investigation.

1063 (7) Participation in the school readiness program does not
1064 expand the regulatory authority of the state, its officers, or
1065 an early learning coalition to impose any additional regulation
1066 on providers beyond those necessary to enforce the requirements
1067 set forth in this part and part V of this chapter.

1068 1002.83 Early learning coalitions.—

1069 (1) Thirty-one or fewer early learning coalitions are
1070 established and shall maintain direct enhancement services at
1071 the local level and provide access to such services in all 67
1072 counties. Two or more early learning coalitions may join for
1073 purposes of planning and implementing a school readiness program

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1074 and the Voluntary Prekindergarten Education Program.

1075 (2) Each early learning coalition shall be composed of at
1076 least 15 members but not more than 30 members.

1077 (3) The Governor shall appoint the chair and two other
1078 members of each early learning coalition, who must each meet the
1079 same qualifications as private sector business members appointed
1080 by the coalition under subsection (5).

1081 (4) Each early learning coalition must include the
1082 following member positions; however, in a multicounty coalition,
1083 each ex officio member position may be filled by multiple
1084 nonvoting members but no more than one voting member shall be
1085 seated per member position. If an early learning coalition has
1086 more than one member representing the same entity, only one of
1087 such members may serve as a voting member:

1088 (a) A Department of Children and Families regional
1089 administrator or his or her permanent designee who is authorized
1090 to make decisions on behalf of the department.

1091 (b) A district superintendent of schools or his or her
1092 permanent designee who is authorized to make decisions on behalf
1093 of the district.

1094 (c) A regional workforce board executive director or his or
1095 her permanent designee.

1096 (d) A county health department director or his or her
1097 designee.

1098 (e) A children's services council or juvenile welfare board
1099 chair or executive director, if applicable.

1100 (f) An agency head of a local licensing agency as defined
1101 in s. 402.302, where applicable.

1102 (g) A president of a Florida College System institution or

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1103 his or her permanent designee.

1104 (h) One member appointed by a board of county commissioners
1105 or the governing board of a municipality.

1106 (i) A central agency administrator, where applicable.

1107 (j) A Head Start director.

1108 (k) A representative of private for-profit child care
1109 providers, including private for-profit family day care homes.

1110 (l) A representative of faith-based child care providers.

1111 (m) A representative of programs for children with
1112 disabilities under the federal Individuals with Disabilities
1113 Education Act.

1114 (5) Including the members appointed by the Governor under
1115 subsection (3), more than one-third of the members of each early
1116 learning coalition must be private sector business members,
1117 either for-profit or nonprofit, who do not have, and none of
1118 whose relatives as defined in s. 112.3143 has, a substantial
1119 financial interest in the design or delivery of the Voluntary
1120 Prekindergarten Education Program created under part V of this
1121 chapter or the school readiness program. To meet this
1122 requirement an early learning coalition must appoint additional
1123 members. The office shall establish criteria for appointing
1124 private sector business members. These criteria must include
1125 standards for determining whether a member or relative has a
1126 substantial financial interest in the design or delivery of the
1127 Voluntary Prekindergarten Education Program or the school
1128 readiness program.

1129 (6) A majority of the voting membership of an early
1130 learning coalition constitutes a quorum required to conduct the
1131 business of the coalition. An early learning coalition may use

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1132 any method of telecommunications to conduct meetings, including
1133 establishing a quorum through telecommunications, provided that
1134 the public is given proper notice of a telecommunications
1135 meeting and reasonable access to observe and, when appropriate,
1136 participate.

1137 (7) A voting member of an early learning coalition may not
1138 appoint a designee to act in his or her place, except as
1139 otherwise provided in this subsection. A voting member may send
1140 a representative to coalition meetings but that representative
1141 does not have voting privileges. When a regional administrator
1142 for the Department of Children and Families appoints a designee
1143 to an early learning coalition, the designee is the voting
1144 member of the coalition, and any individual attending in the
1145 designee's place, including the district administrator, does not
1146 have voting privileges.

1147 (8) Each member of an early learning coalition is subject
1148 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
1149 112.3143(3)(a), each voting member is a local public officer who
1150 must abstain from voting when a voting conflict exists.

1151 (9) For purposes of tort liability, each member or employee
1152 of an early learning coalition shall be governed by s. 768.28.

1153 (10) An early learning coalition serving a multicounty
1154 region must include representation from each county.

1155 (11) Each early learning coalition shall establish terms
1156 for all appointed members of the coalition. The terms must be
1157 staggered and must be a uniform length that does not exceed 4
1158 years per term. Coalition chairs shall be appointed for 4 years
1159 in conjunction with their membership on the Early Learning
1160 Advisory Council pursuant to s. 20.052. Appointed members may

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1161 serve a maximum of two consecutive terms. When a vacancy occurs
1162 in an appointed position, the coalition must advertise the
1163 vacancy.

1164 (12) State, federal, and local matching funds provided to
1165 the early learning coalitions may not be used directly or
1166 indirectly to pay for meals, food, or beverages for coalition
1167 members, coalition employees, or for subcontractor employees.
1168 Preapproved, reasonable, and necessary per diem allowances and
1169 travel expenses may be reimbursed. Such reimbursement shall be
1170 at the standard travel reimbursement rates established in s.
1171 112.061 and must comply with applicable federal and state
1172 requirements.

1173 (13) Each early learning coalition shall use a coordinated
1174 professional development system that supports the achievement
1175 and maintenance of core competencies by school readiness program
1176 teachers in helping children attain the performance standards
1177 adopted by the office.

1178 (14) Each school district shall, upon request of the
1179 coalition, make a list of all individuals currently eligible to
1180 act as a substitute teacher within the school district, pursuant
1181 to rules adopted by the school district pursuant to s. 1012.35,
1182 available to an early learning coalition serving students within
1183 the school district. Child care facilities as defined in s.
1184 402.302 may employ individuals listed as substitute instructors
1185 for the purpose of offering the school readiness program, the
1186 Voluntary Prekindergarten Education Program, and all other
1187 legally operating child care programs.

1188 1002.84 Early learning coalitions; school readiness powers
1189 and duties.—Each early learning coalition shall:

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1190 (1) Administer and implement a local comprehensive program
1191 of school readiness program services in accordance with this
1192 part and the rules adopted by the office, which enhances the
1193 cognitive, social, and physical development of children to
1194 achieve the performance standards.

1195 (2) Establish a uniform waiting list to track eligible
1196 children waiting for enrollment in the school readiness program
1197 in accordance with rules adopted by the office.

1198 (3) Establish a resource and referral network operating
1199 under s. 1002.92 to assist parents in making an informed choice
1200 and provide maximum parental choice of providers and to provide
1201 information on available community resources.

1202 (4) Establish a regional Warm-Line as directed by the
1203 office pursuant to s. 1002.82(2)(r). Regional Warm-Line staff
1204 shall provide onsite technical assistance, when requested, to
1205 assist child care facilities and family day care homes with
1206 inquiries relating to the strategies, curriculum, and
1207 environmental adaptations the child care facilities and family
1208 day care homes may need as they serve children with disabilities
1209 and other special needs.

1210 (5) Establish an age-appropriate screening, for children
1211 ages birth to 5 years, of each child's development and an
1212 appropriate referral process for children with identified
1213 delays. Such screening shall not be a requirement of entry into
1214 the school readiness program and shall be only given with
1215 parental consent.

1216 (6) Implement an age-appropriate preassessment and
1217 postassessment of children if specified in the coalition's
1218 approved plan.

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1219 (7) Determine child eligibility pursuant to s. 1002.87 and
1220 provider eligibility pursuant to s. 1002.88. At a minimum, child
1221 eligibility must be redetermined annually. Redetermination must
1222 also be conducted twice per year for an additional 50 percent of
1223 a coalition's enrollment through a statistically valid random
1224 sampling. A coalition must document the reason why a child is no
1225 longer eligible for the school readiness program according to
1226 the standard codes prescribed by the office.

1227 (8) Establish a parent sliding fee scale that requires a
1228 parent copayment to participate in the school readiness program.
1229 Providers are required to collect the parent's copayment. A
1230 coalition may, on a case-by-case basis, waive the copayment for
1231 an at-risk child or temporarily waive the copayment for a child
1232 whose family experiences a natural disaster or an event that
1233 limits the parent's ability to pay, such as incarceration,
1234 placement in residential treatment, or becoming homeless, or an
1235 emergency situation such as a household fire or burglary, or
1236 while the parent is participating in parenting classes. A parent
1237 may not transfer school readiness program services to another
1238 school readiness program provider until the parent has submitted
1239 documentation from the current school readiness program provider
1240 to the early learning coalition stating that the parent has
1241 satisfactorily fulfilled the copayment obligation.

1242 (9) Establish proper maintenance of records related to
1243 eligibility and enrollment files, provider payments, coalition
1244 staff background screenings, and other documents required for
1245 the implementation of the school readiness program.

1246 (10) Establish a records retention requirement for sign-in
1247 and sign-out records that is consistent with state and federal

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1248 law. Attendance records may not be altered or amended after
1249 December 31 of the subsequent year.

1250 (11) Comply with the tangible personal property
1251 requirements of chapter 274 and any rules adopted thereunder.

1252 (12) Comply with federal procurement requirements and the
1253 procurement requirements of ss. 215.971, 287.057, and 287.058,
1254 except that an early learning coalition is not required to
1255 competitively procure direct services for school readiness
1256 program and Voluntary Prekindergarten Education Program
1257 providers.

1258 (13) Establish proper information technology security
1259 controls, including, but not limited to, periodically reviewing
1260 the appropriateness of access privileges assigned to users of
1261 certain systems; monitoring system hardware performance and
1262 capacity-related issues; and ensuring appropriate backup
1263 procedures and disaster recovery plans are in place.

1264 (14) Develop written policies, procedures, and standards
1265 for monitoring vendor contracts, including, but not limited to,
1266 provisions specifying the particular procedures that may be used
1267 to evaluate contractor performance and the documentation that is
1268 to be maintained to serve as a record of contractor performance.
1269 This subsection does not apply to contracts with school
1270 readiness program providers or Voluntary Prekindergarten
1271 Education Program providers.

1272 (15) Monitor school readiness program providers in
1273 accordance with its plan, or in response to a parental
1274 complaint, to verify that the standards prescribed in ss.
1275 1002.82 and 1002.88 are being met using a standard monitoring
1276 tool adopted by the office. Providers determined to be high-risk

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1277 by the coalition, as demonstrated by substantial findings of
1278 violations of federal law or the general or local laws of the
1279 state, shall be monitored more frequently. Providers with 3
1280 consecutive years of compliance may be monitored biennially.

1281 (16) Adopt a payment schedule that encompasses all programs
1282 funded under this part and part V of this chapter. The payment
1283 schedule must take into consideration the average market rate,
1284 include the projected number of children to be served, and be
1285 submitted for approval by the office. Informal child care
1286 arrangements shall be reimbursed at not more than 50 percent of
1287 the rate adopted for a family day care home.

1288 (17) Implement an anti-fraud plan addressing the detection,
1289 reporting, and prevention of overpayments, abuse, and fraud
1290 relating to the provision of and payment for school readiness
1291 program and Voluntary Prekindergarten Education Program services
1292 and submit the plan to the office for approval, as required by
1293 s. 1002.91.

1294 (18) By October 1 of each year, submit an annual report to
1295 the office. The report shall conform to the format adopted by
1296 the office and must include:

1297 (a) Segregation of school readiness program funds,
1298 Voluntary Prekindergarten Education Program funds, Child Care
1299 Executive Partnership Program funds, and other local revenues
1300 available to the coalition.

1301 (b) Details of expenditures by fund source, including total
1302 expenditures for administrative activities, quality activities,
1303 nondirect services, and direct services for children.

1304 (c) The total number of coalition staff and the related
1305 expenditures for salaries and benefits. For any subcontracts,

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1306 the total number of contracted staff and the related
1307 expenditures for salaries and benefits must be included.

1308 (d) The number of children served in the school readiness
1309 program, by provider type, enumerated by age and eligibility
1310 priority category, reported as the number of children served
1311 during the month, the average participation throughout the
1312 month, and the number of children served during the month.

1313 (e) The total number of children disenrolled during the
1314 year and the reasons for disenrollment.

1315 (f) The total number of providers by provider type.

1316 (g) A listing of any school readiness program provider, by
1317 type, whose eligibility to deliver the school readiness program
1318 is revoked, including a brief description of the state or
1319 federal violation that resulted in the revocation.

1320 (h) An evaluation of its direct enhancement services.

1321 (i) The total number of children served in each provider
1322 facility.

1323 (19) Maintain its administrative staff at the minimum
1324 necessary to administer the duties of the early learning
1325 coalition.

1326 (20) To increase transparency and accountability, comply
1327 with the requirements of this section before contracting with a
1328 member of the coalition or a relative, as defined in s.
1329 112.3143(1)(b), of a coalition member or of an employee of the
1330 coalition. Such contracts may not be executed without the
1331 approval of the office. Such contracts, as well as documentation
1332 demonstrating adherence to this section by the coalition, must
1333 be approved by a two-thirds vote of the coalition, a quorum
1334 having been established; all conflicts of interest must be

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1335 disclosed before the vote; and any member who may benefit from
1336 the contract, or whose relative may benefit from the contract,
1337 must abstain from the vote. A contract under \$25,000 between an
1338 early learning coalition and a member of that coalition or
1339 between a relative, as defined in s. 112.3143(1)(b), of a
1340 coalition member or of an employee of the coalition is not
1341 required to have the prior approval of the office but must be
1342 approved by a two-thirds vote of the coalition, a quorum having
1343 been established, and must be reported to the office within 30
1344 days after approval. If a contract cannot be approved by the
1345 office, a review of the decision to disapprove the contract may
1346 be requested by the early learning coalition or other parties to
1347 the disapproved contract.

1348 1002.85 Early learning coalition plans.—

1349 (1) The office shall adopt rules prescribing the
1350 standardized format and required content of school readiness
1351 program plans as necessary for a coalition or other qualified
1352 entity to administer the school readiness program as provided in
1353 this part.

1354 (2) Each early learning coalition must biennially submit a
1355 school readiness program plan to the office before the
1356 expenditure of funds. A coalition may not implement its school
1357 readiness program plan until it receives approval from the
1358 office. A coalition may not implement any revision to its school
1359 readiness program plan until the coalition submits the revised
1360 plan to and receives approval from the office. If the office
1361 rejects a plan or revision, the coalition must continue to
1362 operate under its previously approved plan. The plan must
1363 include, but is not limited to:

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1364 (a) The coalition's operations, including its membership
1365 and business organization, and the coalition's articles of
1366 incorporation and bylaws if the coalition is organized as a
1367 corporation. If the coalition is not organized as a corporation
1368 or other business entity, the plan must include the contract
1369 with a fiscal agent.

1370 (b) The minimum number of children to be served by care
1371 level.

1372 (c) The coalition's procedures for implementing the
1373 requirements of this part, including:

1374 1. Single point of entry.

1375 2. Uniform waiting list.

1376 4. Eligibility and enrollment processes.

1377 5. Parent access and choice.

1378 6. Sliding fee scale and policies on applying the waiver or
1379 reduction of fees in accordance with 1002.84(8).

1380 7. Use of preassessments and postassessments, as
1381 applicable.

1382 8. Payment rate.

1383 (d) A detailed description of the coalition's quality
1384 activities and services, including:

1385 1. Resource and referral and school-age child care.

1386 2. Infant and toddler early learning.

1387 3. Inclusive early learning programs.

1388 (e) A detailed budget that outlines estimated expenditures
1389 for state, federal, and local matching funds at the lowest level
1390 of detail available by other-cost-accumulator code number; all
1391 estimated sources of revenue with identifiable descriptions; a
1392 listing of full-time equivalent positions; contracted

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1393 subcontractor costs with related annual compensation amount or
1394 hourly rate of compensation; and a capital improvements plan
1395 outlining existing fixed capital outlay projects and proposed
1396 capital outlay projects that will begin during the budget year.

1397 (f) A detailed accounting, in the format prescribed by the
1398 office, of all revenues and expenditures during the previous
1399 state fiscal year. Revenue sources should be identifiable and
1400 expenditures should be reported by three categories: state and
1401 federal funds, local matching funds, and Child Care Executive
1402 Partnership Program funds.

1403 (g) Updated policies and procedures, including those
1404 governing procurement, maintenance of tangible personal
1405 property, maintenance of records, information technology
1406 security, and disbursement controls.

1407 (h) A description of the procedures for monitoring school
1408 readiness program providers, including in response to a parental
1409 complaint, to determine that the standards prescribed in ss.
1410 1002.82 and 1002.88 are met using a standard monitoring tool
1411 adopted by the office. Providers determined to be high risk by
1412 the coalition as demonstrated by substantial findings of
1413 violations of law shall be monitored more frequently.

1414 (i) Documentation that the coalition has solicited and
1415 considered comments regarding the proposed school readiness
1416 program plan from the local community.

1417 (3) The coalition may periodically amend its plan as
1418 necessary. An amended plan must be submitted to and approved by
1419 the office before any expenditures are incurred on the new
1420 activities proposed in the amendment.

1421 (4) The office shall publish a copy of the standardized

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1422 format and required content of school readiness program plans on
1423 its website.

1424 (5) The office shall collect and report data on coalition
1425 delivery of early learning programs. Elements shall include, but
1426 are not limited to, measures related to progress towards
1427 reducing the number of children on the waitlist, the percentage
1428 of children served by the program as compared to the number of
1429 administrative staff and overhead, the percentage of children
1430 served compared to total number of children under the age of 5
1431 years below 150 percent of the federal poverty level, provider
1432 payment processes, fraud intervention, child attendance and
1433 stability, use of child care resource and referral, and
1434 kindergarten readiness outcomes for children in the Voluntary
1435 Prekindergarten Education Program or the school readiness
1436 program upon entry into kindergarten. The office shall request
1437 input from the coalitions and school readiness program providers
1438 before finalizing the format and data to be used. The report
1439 shall be implemented beginning July 1, 2014, and results of the
1440 report must be included in the annual report under s. 1002.82.

1441 1002.86 School readiness program; education component.—The
1442 education component of the school readiness program should be
1443 developmentally appropriate and based on research, involve the
1444 parent as the child's first teacher, serve as a preventive
1445 measure for children at risk of future school failure, and
1446 enhance the educational readiness of eligible children. The
1447 school readiness program should be of assistance to parents in
1448 preparing their at-risk children for educational success,
1449 including, as appropriate, health screening and referral.

1450 1002.87 School readiness program; eligibility and

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1451 enrollment.—

1452 (1) Effective August 1, 2013, or upon reevaluation of
1453 eligibility for children currently served, whichever is later,
1454 each early learning coalition shall give priority for
1455 participation in the school readiness program as follows:

1456 (a) Priority shall be given first to a child younger than
1457 13 years of age from a family that includes a parent who is
1458 receiving temporary cash assistance under chapter 414 and
1459 subject to the federal work requirements.

1460 (b) Priority shall be given next to an at-risk child
1461 younger than 9 years of age.

1462 (c) Priority shall be given next to a child from birth to
1463 the beginning of the school year for which the child is eligible
1464 for admission to kindergarten in a public school under s.
1465 1003.21(1)(a)2. who is from a working family that is
1466 economically disadvantaged, and may include such child's
1467 eligible siblings, beginning with the school year in which the
1468 sibling is eligible for admission to kindergarten in a public
1469 school under s. 1003.21(1)(a)2. until the beginning of the
1470 school year in which the sibling is eligible to begin 6th grade,
1471 provided that the first priority for funding an eligible sibling
1472 is local revenues available to the coalition for funding direct
1473 services. However, a child eligible under this paragraph ceases
1474 to be eligible if his or her family income exceeds 200 percent
1475 of the federal poverty level.

1476 (d) Priority shall be given next to a child of a parent who
1477 transitions from the work program into employment, as described
1478 in s. 445.032, from birth to the beginning of the school year
1479 for which the child is eligible for admission to kindergarten in

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1480 a public school under s. 1003.21(1)(a)2.

1481 (e) Priority shall be given next to an at-risk child who is
1482 at least 9 years of age but younger than 13 years of age. An at-
1483 risk child whose sibling is enrolled in the school readiness
1484 program within an eligibility priority category listed in
1485 paragraphs (a)-(c) shall be given priority over other children
1486 who are eligible under this paragraph.

1487 (f) Priority shall be given next to a child who is younger
1488 than 13 years of age from a working family that is economically
1489 disadvantaged. A child who is eligible under this paragraph
1490 whose sibling is enrolled in the school readiness program under
1491 paragraph (c) shall be given priority over other children who
1492 are eligible under this paragraph. However, a child eligible
1493 under this paragraph ceases to be eligible if his or her family
1494 income exceeds 200 percent of the federal poverty level.

1495 (g) Priority shall be given next to a child of a parent who
1496 transitions from the work program into employment as described
1497 in s. 445.032 if the child is younger than 13 years of age.

1498 (h) Priority shall be given next to a child who has special
1499 needs, has been determined eligible as a student with a
1500 disability, has a current individual education plan with a
1501 Florida school district, and is not younger than 3 years of age.
1502 A special needs child eligible under this paragraph remains
1503 eligible until the child is eligible for admission to
1504 kindergarten in a public school under s. 1003.21(1)(a)2.

1505 (i) Notwithstanding paragraphs (a)-(d), priority shall be
1506 given last to a child who otherwise meets one of the eligibility
1507 criteria in paragraphs (a)-(d) but who is also enrolled
1508 concurrently in the federal Head Start Program and the Voluntary

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1509 Prekindergarten Education Program.

1510 (2) A school readiness program provider may be paid only
1511 for authorized hours of care provided for a child in the school
1512 readiness program. A child enrolled in the Voluntary
1513 Prekindergarten Education Program may receive care from the
1514 school readiness program if the child is eligible according to
1515 the eligibility priorities in this section.

1516 (3) Contingent upon the availability of funds, a coalition
1517 shall enroll eligible children, including those from its waiting
1518 list, according to the eligibility priorities in this section.

1519 (4) The parent of a child enrolled in the school readiness
1520 program must notify the coalition or its designee within 10 days
1521 after any change in employment, income, or family size. Upon
1522 notification by the parent, the child's eligibility must be
1523 reevaluated.

1524 (5) A child whose eligibility priority category requires
1525 the child to be from a working family ceases to be eligible for
1526 the school readiness program if a parent with whom the child
1527 resides does not reestablish employment within 60 days after
1528 becoming unemployed.

1529 (6) Eligibility for each child must be reevaluated
1530 annually. Upon reevaluation, a child may not continue to receive
1531 school readiness program services if he or she has ceased to be
1532 eligible under this section.

1533 (7) If a coalition disenrolls children from the school
1534 readiness program, the coalition must disenroll the children in
1535 reverse order of the eligibility priorities listed in subsection
1536 (1) beginning with children from families with the highest
1537 family incomes. A notice of disenrollment must be sent to the

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1538 parent and school readiness program provider at least 2 weeks
1539 before disenrollment to provide adequate time for the parent to
1540 arrange alternative care for the child. However, an at-risk
1541 child may not be disenrolled from the program without the
1542 written approval of the Child Welfare Program Office of the
1543 Department of Children and Families or the community-based lead
1544 agency.

1545 (8) If a child is absent from the program for 5 consecutive
1546 days without parental notification to the program of such
1547 absence, the school readiness program provider shall report the
1548 absence to the early learning coalition for a determination of
1549 the need for continued care.

1550 (9) Notwithstanding s. 39.604, a school readiness program
1551 provider, regardless of whether the provider is licensed, shall
1552 comply with the reporting requirements of the Rilya Wilson Act
1553 for each at-risk child under the age of school entry who is
1554 enrolled in the school readiness program.

1555 1002.88 School readiness program provider standards;
1556 eligibility to deliver the school readiness program.-

1557 (1) To be eligible to deliver the school readiness program,
1558 a school readiness program provider must:

1559 (a) Be a child care facility licensed under s. 402.305, a
1560 family day care home licensed or registered under s. 402.313, a
1561 large family child care home licensed under s. 402.3131, a
1562 public school or nonpublic school exempt from licensure under s.
1563 402.3025, a faith-based child care provider exempt from
1564 licensure under s. 402.316, a before-school or after-school
1565 program described in s. 402.305(1)(c), or an informal child care
1566 provider to the extent authorized in the state's Child Care and

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1567 Development Fund Plan as approved by the United States
1568 Department of Health and Human Services pursuant to 45 C.F.R. s.
1569 98.18.

1570 (b) Provide instruction and activities to enhance the age-
1571 appropriate progress of each child in attaining the child
1572 development standards adopted by the office pursuant to s.
1573 1002.82(2)(j). A provider should include activities to foster
1574 brain development in infants and toddlers; provide an
1575 environment that is rich in language and music and filled with
1576 objects of various colors, shapes, textures, and sizes to
1577 stimulate visual, tactile, auditory, and linguistic senses; and
1578 include 30 minutes of reading to children each day.

1579 (c) Provide basic health and safety of its premises and
1580 facilities and compliance with requirements for age-appropriate
1581 immunizations of children enrolled in the school readiness
1582 program. For a child care facility, a large family child care
1583 home, or a licensed family day care home, compliance with s.
1584 402.305, s. 402.3131, or s. 402.313 satisfies this requirement.
1585 For a public or nonpublic school, compliance with s. 402.3025 or
1586 s. 1003.22 satisfies this requirement. A faith-based child care
1587 provider, an informal child care provider, or a nonpublic
1588 school, exempt from licensure under ss. 402.316 or 402.3025,
1589 shall annually complete the health and safety checklist adopted
1590 by the office, post the checklist prominently on its premises in
1591 plain sight for visitors and parents, and submit it annually to
1592 its local early learning coalition.

1593 (d) Provide an appropriate staff-to-children ratio,
1594 pursuant to s. 402.305(4) or s. 402.302(8) or (11), as
1595 applicable, and as verified pursuant to s. 402.311.

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1596 (e) Provide a healthy and safe environment pursuant to s.
1597 402.305(5), (6), and (7), as applicable, and as verified
1598 pursuant to s. 402.311.

1599 (f) Implement one of the curricula approved by the office
1600 that meets the child development standards.

1601 (g) Implement a character development program to develop
1602 basic values.

1603 (h) Collaborate with the respective early learning
1604 coalition to complete initial screening for each child, aged 6
1605 weeks to kindergarten eligibility, within 45 days after the
1606 child's first or subsequent enrollment, to identify a child who
1607 may need individualized supports.

1608 (i) Implement minimum standards for child discipline
1609 practices that are age-appropriate and consistent with the
1610 requirements in s. 402.305(12). Such standards must provide that
1611 children not be subjected to discipline that is severe,
1612 humiliating, or frightening or discipline that is associated
1613 with food, rest, or toileting. Spanking or any other form of
1614 physical punishment is prohibited.

1615 (j) Obtain and keep on file record of the child's
1616 immunizations, physical development, and other health
1617 requirements as necessary, including appropriate vision and
1618 hearing screening and examination, within 30 days after
1619 enrollment.

1620 (k) Implement before-school or after-school programs that
1621 meet or exceed the requirements of s. 402.305(5), (6), and (7).

1622 (l) For a provider that is not an informal provider,
1623 maintain general liability insurance and provide the coalition
1624 with written evidence of general liability insurance coverage,

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1625 including coverage for transportation of children if school
1626 readiness program children are transported by the provider. A
1627 provider must obtain and retain an insurance policy that
1628 provides a minimum of \$100,000 of coverage per occurrence and a
1629 minimum of \$300,000 general aggregate coverage. The office may
1630 authorize lower limits upon request, as appropriate. A provider
1631 must add the coalition as a named certificateholder and as an
1632 additional insured. A provider must provide the coalition with a
1633 minimum of 10 calendar days' advance written notice of
1634 cancellation of or changes to coverage. The general liability
1635 insurance required by this paragraph must remain in full force
1636 and effect for the entire period of the provider contract with
1637 the coalition.

1638 (m) For a provider that is an informal provider, comply
1639 with the provisions of paragraph (l) or maintain homeowner's
1640 liability insurance and, if applicable, a business rider. If an
1641 informal provider chooses to maintain a homeowner's policy, the
1642 provider must obtain and retain a homeowner's insurance policy
1643 that provides a minimum of \$100,000 of coverage per occurrence
1644 and a minimum of \$300,000 general aggregate coverage. The office
1645 may authorize lower limits upon request, as appropriate. An
1646 informal provider must add the coalition as a named
1647 certificateholder and as an additional insured. An informal
1648 provider must provide the coalition with a minimum of 10
1649 calendar days' advance written notice of cancellation of or
1650 changes to coverage. The general liability insurance required by
1651 this paragraph must remain in full force and effect for the
1652 entire period of the provider's contract with the coalition.

1653 (n) Obtain and maintain any required workers' compensation

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1654 insurance under chapter 440 and any required reemployment
1655 assistance or unemployment compensation coverage under chapter
1656 443.

1657 (o) Notwithstanding paragraph (l), for a provider that is a
1658 state agency or a subdivision thereof, as defined in s.
1659 768.28(2), agree to notify the coalition of any additional
1660 liability coverage maintained by the provider in addition to
1661 that otherwise established under s. 768.28. The provider shall
1662 indemnify the coalition to the extent permitted by s. 768.28.

1663 (p) Execute the standard statewide provider contract
1664 adopted by the office.

1665 (q) Operate on a full-time and part-time basis and provide
1666 extended-day and extended-year services to the maximum extent
1667 possible without compromising the quality of the program to meet
1668 the needs of parents who work.

1669 (2) If a school readiness program provider fails or refuses
1670 to comply with this part or any contractual obligation of the
1671 statewide provider contract under s. 1002.82(2) (m), the
1672 coalition may revoke the provider's eligibility to deliver the
1673 school readiness program or receive state or federal funds under
1674 this chapter for a period of 5 years.

1675 (3) The office and the coalitions may not:

1676 (a) Impose any requirement on a child care provider or
1677 early childhood education provider that does not deliver
1678 services under the school readiness program or receive state or
1679 federal funds under this part;

1680 (b) Impose any requirement on a school readiness program
1681 provider that exceeds the authority provided under this part or
1682 part V of this chapter or rules adopted pursuant to this part or

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1683 part V of this chapter; or

1684 (c) Require a provider to administer a preassessment or
1685 postassessment.

1686 1002.89 School readiness program; funding.-

1687 (1) Funding for the school readiness program shall be
1688 allocated among the early learning coalitions in accordance with
1689 this section and the General Appropriations Act.

1690 (2) The office shall administer school readiness program
1691 funds and prepare and submit a unified budget request for the
1692 school readiness program in accordance with chapter 216.

1693 (3) All instructions to early learning coalitions for
1694 administering this section shall emanate from the office in
1695 accordance with the policies of the Legislature.

1696 (4) All cost savings and all revenues received through a
1697 mandatory sliding fee scale shall be used to increase the number
1698 of children served.

1699 (5) All state, federal, and local matching funds provided
1700 to an early learning coalition for purposes of this section
1701 shall be used for implementation of its approved school
1702 readiness program plan, including the hiring of staff to
1703 effectively operate the school readiness program.

1704 (6) Costs shall be kept to the minimum necessary for the
1705 efficient and effective administration of the school readiness
1706 program with the highest priority of expenditure being direct
1707 services for eligible children. However, no more than 5 percent
1708 of the funds described in subsection (5) may be used for
1709 administrative costs and no more than 22 percent of the funds
1710 described in subsection (5) may be used in any fiscal year for
1711 any combination of administrative costs, quality activities, and

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1712 nondirect services as follows:

1713 (a) Administrative costs as described in 45 C.F.R. s.
1714 98.52, which shall include monitoring providers using the
1715 standard methodology adopted under s. 1002.82 to improve
1716 compliance with state and federal regulations and law pursuant
1717 to the requirements of the statewide provider contract adopted
1718 under s. 1002.82(2)(m).

1719 (b) Activities to improve the quality of child care as
1720 described in 45 C.F.R. s. 98.51, which shall be limited to the
1721 following:

1722 1. Developing, establishing, expanding, operating, and
1723 coordinating resource and referral programs specifically related
1724 to the provision of comprehensive consumer education to parents
1725 and the public regarding participation in the school readiness
1726 program and parental choice.

1727 2. Awarding grants to school readiness program providers to
1728 assist them in meeting applicable state requirements for child
1729 care performance standards, implementing developmentally
1730 appropriate curricula and related classroom resources that
1731 support curricula, providing literacy supports, and providing
1732 professional development. Any grants awarded pursuant to this
1733 subparagraph shall comply with the requirements of ss. 215.971
1734 and 287.058.

1735 3. Providing training and technical assistance for school
1736 readiness program providers, staff, and parents on standards,
1737 child screenings, child assessments, developmentally appropriate
1738 curricula, character development, teacher-child interactions,
1739 age-appropriate discipline practices, health and safety,
1740 nutrition, first aid, the recognition of communicable diseases,

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1741 and child abuse detection and prevention.

1742 4. Providing from among the funds provided for the
1743 activities described in subparagraphs 1.-3., adequate funding
1744 for infants and toddlers as necessary to meet federal
1745 requirements related to expenditures for quality activities for
1746 infant and toddler care.

1747 5. Improving the monitoring of compliance with, and
1748 enforcement of, applicable state and local requirements as
1749 described in and limited by 45 C.F.R. s. 98.40.

1750 6. Responding to Warm-Line requests by providers and
1751 parents related to school readiness program children, including
1752 providing developmental and health screenings to school
1753 readiness program children.

1754 (c) Nondirect services as described in applicable Office of
1755 Management and Budget instructions are those services not
1756 defined as administrative, direct, or quality services that are
1757 required to administer the school readiness program. Such
1758 services include, but are not limited to:

1759 1. Assisting families to complete the required application
1760 and eligibility documentation.

1761 2. Determining child and family eligibility.

1762 3. Recruiting eligible child care providers.

1763 4. Processing and tracking attendance records.

1764 5. Developing and maintaining a statewide child care
1765 information system.

1766
1767 As used in this paragraph, the term "nondirect services" does
1768 not include payments to school readiness program providers for
1769 direct services provided to children who are eligible under s.

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1770 1002.87, administrative costs as described in paragraph (a), or
1771 quality activities as described in paragraph (b).

1772 (7) Funds appropriated for the school readiness program may
1773 not be expended for the purchase or improvement of land, for the
1774 purchase, construction, or permanent improvement of any building
1775 or facility, or for the purchase of buses. However, funds may be
1776 expended for minor remodeling and upgrading child care
1777 facilities to ensure that providers meet state and local child
1778 care standards, including applicable health and safety
1779 requirements.

1780 1002.895 Market rate schedule.—The school readiness program
1781 market rate schedule shall be implemented as follows:

1782 (1) The office shall establish procedures for the adoption
1783 of a market rate schedule. The schedule must include, at a
1784 minimum, county-by-county rates:

1785 (a) The market rate, including the minimum and the maximum
1786 rates for child care providers that hold a Gold Seal Quality
1787 Care designation under s. 402.281.

1788 (b) The market rate for child care providers that do not
1789 hold a Gold Seal Quality Care designation.

1790 (2) The market rate schedule, at a minimum, must:

1791 (a) Differentiate rates by type, including, but not limited
1792 to, a child care provider that holds a Gold Seal Quality Care
1793 designation under s. 402.281, a child care facility licensed
1794 under s. 402.305, a public or nonpublic school exempt from
1795 licensure under s. 402.3025, a faith-based child care facility
1796 exempt from licensure under s. 402.316 that does not hold a Gold
1797 Seal Quality Care designation, a large family child care home
1798 licensed under s. 402.3131, or a family day care home licensed

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1799 or registered under s. 402.313.

1800 (b) Differentiate rates by the type of child care services
1801 provided for children with special needs or risk categories,
1802 infants, toddlers, preschool-age children, and school-age
1803 children.

1804 (c) Differentiate rates between full-time and part-time
1805 child care services.

1806 (d) Consider discounted rates for child care services for
1807 multiple children in a single family.

1808 (3) The market rate schedule must be based exclusively on
1809 the prices charged for child care services.

1810 (4) The market rate schedule shall be considered by an
1811 early learning coalition in the adoption of a payment schedule.
1812 The payment schedule must take into consideration the average
1813 market rate, include the projected number of children to be
1814 served, and be submitted for approval by the office. Informal
1815 child care arrangements shall be reimbursed at not more than 50
1816 percent of the rate adopted for a family day care home.

1817 (5) The office may contract with one or more qualified
1818 entities to administer this section and provide support and
1819 technical assistance for child care providers.

1820 (6) The office may adopt rules for establishing procedures
1821 for the collection of child care providers' market rate, the
1822 calculation of the average market rate by program care level and
1823 provider type in a predetermined geographic market, and the
1824 publication of the market rate schedule.

1825 1002.91 Investigations of fraud or overpayment; penalties.-

1826 (1) As used in this subsection, the term "fraud" means an
1827 intentional deception, omission, or misrepresentation made by a

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1828 person with knowledge that the deception, omission, or
1829 misrepresentation may result in unauthorized benefit to that
1830 person or another person, or any aiding and abetting of the
1831 commission of such an act. The term includes any act that
1832 constitutes fraud under applicable federal or state law.

1833 (2) To recover state, federal, and local matching funds,
1834 the office shall investigate early learning coalitions,
1835 recipients, and providers of the school readiness program and
1836 the Voluntary Prekindergarten Education Program to determine
1837 possible fraud or overpayment. If by its own inquiries, or as a
1838 result of a complaint, the office has reason to believe that a
1839 person, coalition, or provider has engaged in, or is engaging
1840 in, a fraudulent act, it shall investigate and determine whether
1841 any overpayment has occurred due to the fraudulent act. During
1842 the investigation, the office may examine all records, including
1843 electronic benefits transfer records, and make inquiry of all
1844 persons who may have knowledge as to any irregularity incidental
1845 to the disbursement of public moneys or other items or benefits
1846 authorizations to recipients.

1847 (3) Based on the results of the investigation, the office
1848 may, in its discretion, refer the investigation to the
1849 Department of Financial Services for criminal investigation or
1850 refer the matter to the applicable coalition. Any suspected
1851 criminal violation identified by the office must be referred to
1852 the Department of Financial Services for criminal investigation.

1853 (4) An early learning coalition may suspend or terminate a
1854 provider from participation in the school readiness program or
1855 the Voluntary Prekindergarten Education Program when it has
1856 reasonable cause to believe that the provider has committed

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1857 fraud. The office shall adopt by rule appropriate due process
1858 procedures that the early learning coalition shall apply in
1859 suspending or terminating any provider, including the suspension
1860 or termination of payment. If suspended, the provider shall
1861 remain suspended until the completion of any investigation by
1862 the office, the Department of Financial Services, or any other
1863 state or federal agency, and any subsequent prosecution or other
1864 legal proceeding.

1865 (5) If a school readiness program provider or a Voluntary
1866 Prekindergarten Education Program provider, or an owner,
1867 officer, or director thereof, is convicted of, found guilty of,
1868 or pleads guilty or nolo contendere to, regardless of
1869 adjudication, public assistance fraud pursuant to s. 414.39, or
1870 is acting as the beneficial owner for someone who has been
1871 convicted of, found guilty of, or pleads guilty or nolo
1872 contendere to, regardless of adjudication, public assistance
1873 fraud pursuant to s. 414.39, the early learning coalition shall
1874 refrain from contracting with, or using the services of, that
1875 provider for a period of 5 years. In addition, the coalition
1876 shall refrain from contracting with, or using the services of,
1877 any provider that shares an officer or director with a provider
1878 that is convicted of, found guilty of, or pleads guilty or nolo
1879 contendere to, regardless of adjudication, public assistance
1880 fraud pursuant to s. 414.39 for a period of 5 years.

1881 (6) If the investigation is not confidential or otherwise
1882 exempt from disclosure by law, the results of the investigation
1883 may be reported by the office to the appropriate legislative
1884 committees, the Department of Children and Families, and such
1885 other persons as the office deems appropriate.

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1886 (7) The early learning coalition may not contract with a
1887 school readiness program provider or a Voluntary Prekindergarten
1888 Education Program provider who is on the United States
1889 Department of Agriculture National Disqualified List. In
1890 addition, the coalition may not contract with any provider that
1891 shares an officer or director with a provider that is on the
1892 United States Department of Agriculture National Disqualified
1893 List.

1894 (8) Each early learning coalition shall adopt an anti-fraud
1895 plan addressing the detection and prevention of overpayments,
1896 abuse, and fraud relating to the provision of and payment for
1897 school readiness program and Voluntary Prekindergarten Education
1898 Program services and submit the plan to the office for approval.
1899 The office shall adopt rules establishing criteria for the anti-
1900 fraud plan, including appropriate due process provisions. The
1901 anti-fraud plan must include, at a minimum:

1902 (a) A written description or chart outlining the
1903 organizational structure of the plan's personnel who are
1904 responsible for the investigation and reporting of possible
1905 overpayment, abuse, or fraud.

1906 (b) A description of the plan's procedures for detecting
1907 and investigating possible acts of fraud, abuse, or overpayment.

1908 (c) A description of the plan's procedures for the
1909 mandatory reporting of possible overpayment, abuse, or fraud to
1910 the Office of Inspector General within the office.

1911 (d) A description of the plan's program and procedures for
1912 educating and training personnel on how to detect and prevent
1913 fraud, abuse, and overpayment.

1914 (e) A description of the plan's procedures, including the

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1915 appropriate due process provisions adopted by the office for
1916 suspending or terminating from the school readiness program or
1917 the Voluntary Prekindergarten Education Program a recipient or
1918 provider who the early learning coalition believes has committed
1919 fraud.

1920 (9) A person who commits an act of fraud as defined in this
1921 section is subject to the penalties provided in s. 414.39(5) (a)
1922 and (b).

1923 1002.92 Child care and early childhood resource and
1924 referral.-

1925 (1) As a part of the school readiness program, the office
1926 shall establish a statewide child care resource and referral
1927 network that is unbiased and provides referrals to families for
1928 child care and information on available community resources.
1929 Preference shall be given to using early learning coalitions as
1930 the child care resource and referral agencies. If an early
1931 learning coalition cannot comply with the requirements to offer
1932 the resource information component or does not want to offer
1933 that service, the early learning coalition shall select the
1934 resource and referral agency for its county or multicounty
1935 region based upon the procurement requirements of s.
1936 1002.84(12).

1937 (2) At least one child care resource and referral agency
1938 must be established in each early learning coalition's county or
1939 multicounty region. The office shall adopt rules regarding
1940 accessibility of child care resource and referral services
1941 offered through child care resource and referral agencies in
1942 each county or multicounty region which include, at a minimum,
1943 required hours of operation, methods by which parents may

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1944 request services, and child care resource and referral staff
1945 training requirements.

1946 (3) Child care resource and referral agencies shall provide
1947 the following services:

1948 (a) Identification of existing public and private child
1949 care and early childhood education services, including child
1950 care services by public and private employers, and the
1951 development of a resource file of those services through the
1952 single statewide information system developed by the office
1953 under s. 1002.82(2)(n). These services may include family day
1954 care, public and private child care programs, the Voluntary
1955 Prekindergarten Education Program, Head Start, the school
1956 readiness program, special education programs for
1957 prekindergarten children with disabilities, services for
1958 children with developmental disabilities, full-time and part-
1959 time programs, before-school and after-school programs, vacation
1960 care programs, parent education, the temporary cash assistance
1961 program, and related family support services. The resource file
1962 shall include, but not be limited to:

- 1963 1. Type of program.
- 1964 2. Hours of service.
- 1965 3. Ages of children served.
- 1966 4. Number of children served.
- 1967 5. Program information.
- 1968 6. Fees and eligibility for services.
- 1969 7. Availability of transportation.

1970 (b) Establishment of a referral process that responds to
1971 parental need for information and that is provided with full
1972 recognition of the confidentiality rights of parents. The

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1973 resource and referral network shall make referrals to legally
1974 operating child care facilities. Referrals may not be made to a
1975 child care facility that is operating illegally.

1976 (c) Maintenance of ongoing documentation of requests for
1977 service tabulated through the internal referral process through
1978 the single statewide information system. The following
1979 documentation of requests for service shall be maintained by the
1980 child care resource and referral network:

1981 1. Number of calls and contacts to the child care resource
1982 information and referral network component by type of service
1983 requested.

1984 2. Ages of children for whom service was requested.

1985 3. Time category of child care requests for each child.

1986 4. Special time category, such as nights, weekends, and
1987 swing shift.

1988 5. Reason that the child care is needed.

1989 6. Name of the employer and primary focus of the business
1990 for an employer based child care program.

1991 (d) Provision of technical assistance to existing and
1992 potential providers of child care services. This assistance may
1993 include:

1994 1. Information on initiating new child care services,
1995 zoning, and program and budget development and assistance in
1996 finding such information from other sources.

1997 2. Information and resources which help existing child care
1998 services providers to maximize their ability to serve children
1999 and parents in their community.

2000 3. Information and incentives that may help existing or
2001 planned child care services offered by public or private

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2002 employers seeking to maximize their ability to serve the
2003 children of their working parent employees in their community,
2004 through contractual or other funding arrangements with
2005 businesses.

2006 (e) Assistance to families and employers in applying for
2007 various sources of subsidy, including, but not limited to, the
2008 Voluntary Prekindergarten Education Program, the school
2009 readiness program, Head Start, Project Independence, private
2010 scholarships, and the federal child and dependent care tax
2011 credit.

2012 (f) Assistance to families to negotiate discounts or other
2013 special arrangements with child care providers.

2014 (g) Assistance to families in identifying summer recreation
2015 camp and summer day camp programs to help families make informed
2016 choice. Contingent upon specific appropriation, a checklist of
2017 important health and safety qualities that parents can use to
2018 choose their summer camp programs shall be developed and
2019 distributed in a manner that will reach parents interested in
2020 such programs for their children.

2021 (h) Assistance to families for accessing local community
2022 resources.

2023 (4) A child care facility licensed under s. 402.305 and
2024 licensed and registered family day care homes must provide the
2025 statewide child care and resource and referral network with the
2026 following information annually:

2027 (a) Type of program.

2028 (b) Hours of service.

2029 (c) Ages of children served.

2030 (d) Fees and eligibility for services.

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2031 1002.93 School readiness program transportation services.-

2032 (1) The office may authorize an early learning coalition to
2033 establish school readiness program transportation services for
2034 children at risk of abuse or neglect who are participating in
2035 the school readiness program, pursuant to chapter 427. The early
2036 learning coalitions may contract for the provision of
2037 transportation services as required by this section.

2038 (2) The transportation servicers may only provide
2039 transportation to each child participating in the school
2040 readiness program to the extent that such transportation is
2041 necessary to provide child care opportunities that otherwise
2042 would not be available to a child whose home is more than a
2043 reasonable walking distance from the nearest child care facility
2044 or family day care home.

2045 1002.94 Child Care Executive Partnership Program.-

2046 (1) There is created a body politic and corporate known as
2047 the Child Care Executive Partnership which shall establish and
2048 govern the Child Care Executive Partnership Program. The purpose
2049 of the Child Care Executive Partnership Program is to use state
2050 and federal funds as incentives for matching local funds derived
2051 from local governments, employers, charitable foundations, and
2052 other sources so that Florida communities may create local
2053 flexible partnerships with employers. The Child Care Executive
2054 Partnership Program funds shall be used at the discretion of
2055 local communities to meet the needs of working parents. A child
2056 care purchasing pool shall be developed with the state, federal,
2057 and local funds to provide subsidies to low-income working
2058 parents whose family income does not exceed the allowable income
2059 for any federally subsidized child care program with a dollar-

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2060 for-dollar match from employers, local government, and other
2061 matching contributions. The funds used from the child care
2062 purchasing pool must be used to supplement or extend the use of
2063 existing public or private funds for direct services.

2064 (2) The Child Care Executive Partnership, staffed by the
2065 office, shall consist of a representative of the Executive
2066 Office of the Governor and nine members of the corporate or
2067 child care community, appointed by the Governor.

2068 (a) Members shall serve for a period of 4 years, except
2069 that the representative of the Executive Office of the Governor
2070 shall serve at the pleasure of the Governor.

2071 (b) The Child Care Executive Partnership shall be chaired
2072 by a member chosen by a majority vote and shall meet at least
2073 quarterly and at other times upon the call of the chair. The
2074 Child Care Executive Partnership may use any method of
2075 telecommunications to conduct meetings, including establishing a
2076 quorum through telecommunications, only if the public is given
2077 proper notice of a telecommunications meeting and reasonable
2078 access to observe and, when appropriate, participate.

2079 (c) Members shall serve without compensation, but may be
2080 reimbursed for per diem and travel expenses in accordance with
2081 s. 112.061.

2082 (d) The Child Care Executive Partnership shall have all the
2083 powers and authority, not explicitly prohibited by law,
2084 necessary to carry out and effectuate the purposes of this
2085 section, as well as the functions, duties, and responsibilities
2086 of the partnership, including, but not limited to, the
2087 following:

2088 1. Making recommendations concerning the implementation and

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2089 coordination of the school readiness program.

2090 2. Soliciting, accepting, receiving, investing, and
2091 expending funds from public or private sources.

2092 3. Contracting with public or private entities as
2093 necessary.

2094 4. Approving an annual budget.

2095 5. Providing a report to the Governor, the Speaker of the
2096 House of Representatives, and the President of the Senate on or
2097 before December 1 of each year.

2098
2099 Notwithstanding this subsection, the corporate body politic
2100 previously established by prior law is the corporate body
2101 politic for purposes of this section and shall continue in
2102 existence. All member terms of the existing corporate body
2103 politic expire as of June 30, 2013, and new members shall be
2104 appointed beginning July 1, 2013, in accordance with this
2105 subsection.

2106 (3) (a) The Legislature shall annually determine the amount
2107 of state or federal low-income child care moneys which shall be
2108 used to create Child Care Executive Partnership Program child
2109 care purchasing pools in counties chosen by the Child Care
2110 Executive Partnership provided that at least two of the counties
2111 have populations of no more than 300,000. The Legislature shall
2112 annually review the effectiveness of the child care purchasing
2113 pool program and reevaluate the percentage of additional state
2114 or federal funds, if any, which can be used for the program's
2115 expansion.

2116 (b) To ensure a seamless service delivery and ease of
2117 access for families, the office shall administer the child care

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2118 purchasing pool funds.

2119 (c) The office, in conjunction with the Child Care
2120 Executive Partnership, shall develop procedures for disbursement
2121 of funds through the child care purchasing pools. In order to be
2122 considered for funding, an early learning coalition or the
2123 office must commit to:

2124 1. Matching the state purchasing pool funds on a dollar-
2125 for-dollar basis.

2126 2. Expending only those public funds that are matched by
2127 employers, local government, and other matching contributors who
2128 contribute to the purchasing pool. Parents shall also pay a fee,
2129 which may not be less than the amount identified in the early
2130 learning coalition's school readiness program sliding fee scale.

2131 (d) Each early learning coalition shall establish a
2132 community child care task force for each child care purchasing
2133 pool. The task force must be composed of employers, parents,
2134 private child care providers, and one representative from the
2135 local children's services council, if one exists in the area of
2136 the purchasing pool. The early learning coalition is expected to
2137 recruit the task force members from existing child care
2138 councils, commissions, or task forces already operating in the
2139 area of a purchasing pool. A majority of the task force shall
2140 consist of employers.

2141 (e) Each participating early learning coalition shall
2142 develop a plan for the use of child care purchasing pool funds.
2143 The plan must show how many children will be served by the
2144 purchasing pool, how many will be new to receiving child care
2145 services, and how the early learning coalition intends to
2146 attract new employers and their employees to the program.

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2147 (4) The office may adopt any rules necessary for the
2148 implementation and administration of this section.

2149 1002.95 Teacher Education and Compensation Helps (TEACH)
2150 scholarship program.-

2151 (1) The office may contract for the administration of the
2152 Teacher Education and Compensation Helps (TEACH) scholarship
2153 program, which provides educational scholarships to caregivers
2154 and administrators of early childhood programs, family day care
2155 homes, and large family child care homes. The goal of the
2156 program is to increase the education and training for
2157 caregivers, increase the compensation for child caregivers who
2158 complete the program requirements, and reduce the rate of
2159 participant turnover in the field of early childhood education.

2160 (2) The office shall adopt rules as necessary to administer
2161 this section.

2162 1002.96 Early Head Start collaboration grants.-

2163 (1) Contingent upon specific appropriation, the office
2164 shall establish a program to award collaboration grants to
2165 assist local agencies in securing Early Head Start programs
2166 through Early Head Start program federal grants. The
2167 collaboration grants shall provide the required matching funds
2168 for public and private nonprofit agencies that have been
2169 approved for Early Head Start program federal grants.

2170 (2) Public and private nonprofit agencies providing Early
2171 Head Start programs applying for collaborative grants must:

2172 (a) Meet the requirements in the Head Start program
2173 performance standards and other applicable rules and
2174 regulations.

2175 (b) Collaborate with other service providers at the local

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2176 level.

2177 (c) Provide a comprehensive array of health, nutritional,
2178 and other services to the program's pregnant women and very
2179 young children, and their families.

2180 (3) The office may adopt rules as necessary for the award
2181 of collaboration grants to competing agencies and the
2182 administration of the collaboration grants program under this
2183 section.

2184 Section 18. Section 411.011, Florida Statutes, is
2185 transferred, renumbered as section 1002.97, Florida Statutes,
2186 and amended to read:

2187 1002.97 ~~411.011~~ Records of children in the school readiness
2188 program programs.-

2189 (1) The individual records of children enrolled in the
2190 school readiness program programs provided under this part s.
2191 ~~411.01~~, held by an early learning coalition or the office ~~of~~
2192 ~~Early Learning~~, are confidential and exempt from s. 119.07(1)
2193 and s. 24(a), Art. I of the State Constitution. For purposes of
2194 this section, records include assessment data, health data,
2195 records of teacher observations, and personal identifying
2196 information.

2197 (2) A parent, ~~guardian, or individual acting as a parent in~~
2198 ~~the absence of a parent or guardian~~ has the right to inspect and
2199 review the individual school readiness program record of his or
2200 her child and to obtain a copy of the record.

2201 (3) School readiness program records may be released to:

2202 (a) The United States Secretary of Education, the United
2203 States Secretary of Health and Human Services, and the
2204 Comptroller General of the United States for the purpose of

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2205 federal audits and investigations.

2206 (b) Individuals or organizations conducting studies for
2207 institutions to develop, validate, or administer assessments or
2208 improve instruction.

2209 (c) Accrediting organizations in order to carry out their
2210 accrediting functions.

2211 (d) Appropriate parties in connection with an emergency if
2212 the information is necessary to protect the health or safety of
2213 the child enrollee or other individuals.

2214 (e) The Office of Program Policy Analysis and Government
2215 Accountability and the Auditor General in connection with their
2216 ~~his or her~~ official functions.

2217 (f) A court of competent jurisdiction in compliance with an
2218 order of that court in accordance with a lawfully issued
2219 subpoena.

2220 (g) Parties to an interagency agreement among early
2221 learning coalitions, local governmental agencies, providers of
2222 the school readiness program ~~programs~~, state agencies, and the
2223 ~~office of Early Learning~~ for the purpose of implementing the
2224 school readiness program.

2225
2226 Agencies, organizations, or individuals that receive school
2227 readiness program records in order to carry out their official
2228 functions must protect the data in a manner that does not permit
2229 the personal identification of a child enrolled in a school
2230 readiness program and his or her parent ~~parents~~ by persons other
2231 than those authorized to receive the records.

2232 Section 19. Paragraph (p) of subsection (3) of section
2233 11.45, Florida Statutes, is amended to read:

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2234 11.45 Definitions; duties; authorities; reports; rules.—

2235 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
2236 General may, pursuant to his or her own authority, or at the
2237 direction of the Legislative Auditing Committee, conduct audits
2238 or other engagements as determined appropriate by the Auditor
2239 General of:

2240 (p) The school readiness program system, including the
2241 early learning coalitions, ~~created~~ under part VI of chapter 1002
2242 ~~s. 411.01.~~

2243 Section 20. Paragraph (h) of subsection (3) of section
2244 20.15, Florida Statutes, is amended to read:

2245 20.15 Department of Education.—There is created a
2246 Department of Education.

2247 (3) DIVISIONS.—The following divisions of the Department of
2248 Education are established:

2249 ~~(h) The Office of Early Learning, which shall administer~~
2250 ~~the school readiness system in accordance with s. 411.01 and the~~
2251 ~~operational requirements of the Voluntary Prekindergarten~~
2252 ~~Education Program in accordance with part V of chapter 1002. The~~
2253 ~~office is a separate budget entity and is not subject to~~
2254 ~~control, supervision, or direction by the Department of~~
2255 ~~Education or the State Board of Education in any manner~~
2256 ~~including, but not limited to, personnel, purchasing,~~
2257 ~~transactions involving personal property, and budgetary matters.~~
2258 ~~The office director shall be appointed by the Governor and~~
2259 ~~confirmed by the Senate, shall serve at the pleasure of the~~
2260 ~~Governor, and shall be the agency head of the office for all~~
2261 ~~purposes. The office shall enter into a service agreement with~~
2262 ~~the department for professional, technological, and~~

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2263 ~~administrative support services. The office shall be subject to~~
2264 ~~review and oversight by the Chief Inspector General or his or~~
2265 ~~her designee.~~

2266 Section 21. Paragraph (a) of subsection (8) of section
2267 216.136, Florida Statutes, is amended to read:

2268 216.136 Consensus estimating conferences; duties and
2269 principals.—

2270 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

2271 (a) The Early Learning Programs Estimating Conference shall
2272 develop estimates and forecasts of the unduplicated count of
2273 children eligible for the school readiness program ~~programs~~ in
2274 accordance with the standards of eligibility established in s.
2275 1002.87 ~~411.01(6)~~, and of children eligible for the Voluntary
2276 Prekindergarten Education Program in accordance with s.
2277 1002.53(2), as the conference determines are needed to support
2278 the state planning, budgeting, and appropriations processes.

2279 Section 22. Paragraph (b) of subsection (1) and subsection
2280 (3) of section 402.281, Florida Statutes, are amended to read:

2281 402.281 Gold Seal Quality Care program.—

2282 (1)

2283 (b) A child care facility, large family child care home, or
2284 family day care home that is accredited by an ~~a nationally~~
2285 ~~recognized~~ accrediting association approved by the department
2286 under subsection (3) and meets all other requirements shall,
2287 upon application to the department, receive a separate "Gold
2288 Seal Quality Care" designation.

2289 (3) (a) In order to be approved by the department for
2290 participation in the Gold Seal Quality Care program, an
2291 accrediting association must apply to the department and

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2292 demonstrate that it:

2293 1. Is a ~~nationally~~ recognized accrediting association.

2294 2. Has accrediting standards that substantially meet or
2295 exceed the Gold Seal Quality Care standards adopted by the
2296 department under subsection (2).

2297 (b) In approving accrediting associations, the Department
2298 of Children and Families shall consult with the Department of
2299 Education, the Florida Head Start Directors Association, the
2300 Florida Association of Child Care Management, the Florida Family
2301 Child Day Care Home Association, the Florida Children's Forum,
2302 the Florida Association for the Education of the Young Early
2303 Childhood Association of Florida, the Child Development
2304 Education Alliance, the Florida Association of Academic
2305 Nonpublic Schools, the Association of Early Learning Coalitions,
2306 providers receiving exemptions under s. 402.316, and parents.

2307 Section 23. Subsection (9) of section 402.302, Florida
2308 Statutes, is amended to read:

2309 402.302 Definitions.—As used in this chapter, the term:

2310 (9) "Household children" means children who are related by
2311 blood, marriage, or legal adoption to, or who are the legal
2312 wards of, the family day care home operator, the large family
2313 child care home operator, or an adult household member who
2314 permanently or temporarily resides in the home. Supervision of
2315 the operator's household children shall be left to the
2316 discretion of the operator unless those children receive
2317 subsidized child care through the school readiness program
2318 pursuant to s. 1002.92 ~~411.0101~~ to be in the home.

2319 Section 24. Paragraph (c) of subsection (1) of section
2320 402.305, Florida Statutes, is amended to read:

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2321 402.305 Licensing standards; child care facilities.—

2322 (1) LICENSING STANDARDS.—The department shall establish
2323 licensing standards that each licensed child care facility must
2324 meet regardless of the origin or source of the fees used to
2325 operate the facility or the type of children served by the
2326 facility.

2327 (c) The minimum standards for child care facilities shall
2328 be adopted in the rules of the department and shall address the
2329 areas delineated in this section. The department, in adopting
2330 rules to establish minimum standards for child care facilities,
2331 shall recognize that different age groups of children may
2332 require different standards. The department may adopt different
2333 minimum standards for facilities that serve children in
2334 different age groups, including school-age children. The
2335 department shall also adopt by rule a definition for child care
2336 which distinguishes between child care programs that require
2337 child care licensure and after-school programs that do not
2338 require licensure. Notwithstanding any other provision of law to
2339 the contrary, minimum child care licensing standards shall be
2340 developed to provide for reasonable, affordable, and safe
2341 before-school and after-school care. After-school programs that
2342 otherwise meet the criteria for exclusion from licensure may
2343 provide snacks and meals through the federal Afterschool Meal
2344 Program (AMP) administered by the Department of Health in
2345 accordance with federal regulations and standards. The
2346 Department of Health shall consider meals to be provided through
2347 the AMP only if the program is actively participating in the
2348 AMP, is in good standing with the department, and the meals meet
2349 AMP requirements. Standards, at a minimum, shall allow for a

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2350 credentialed director to supervise multiple before-school and
2351 after-school sites.

2352 Section 25. Paragraph (c) of subsection (1) and subsection
2353 (4) of section 445.023, Florida Statutes, are amended to read:

2354 445.023 Program for dependent care for families with
2355 children with special needs.—

2356 (1) There is created the program for dependent care for
2357 families with children with special needs. This program is
2358 intended to provide assistance to families with children who
2359 meet the following requirements:

2360 (c) The family meets the income guidelines established
2361 under s. 1002.87 ~~411.01(6)~~, notwithstanding any financial
2362 eligibility criteria to the contrary in s. 414.075, s. 414.085,
2363 or s. 414.095.

2364 (4) In addition to school readiness program services
2365 provided under part VI of chapter 1002 ~~s. 411.01~~, dependent care
2366 may be provided for children age 13 years and older who are in
2367 need of care due to disability and where such care is needed for
2368 the parent to accept or continue employment or otherwise
2369 participate in work activities. The amount of subsidy shall be
2370 consistent with the rates for special needs child care
2371 established by the department. Dependent care needed for
2372 employment may be provided as transitional services for up to 2
2373 years after eligibility for temporary cash assistance ends.

2374 Section 26. Paragraph (a) of subsection (2) of section
2375 490.014, Florida Statutes, is amended to read:

2376 490.014 Exemptions.—

2377 (2) No person shall be required to be licensed or
2378 provisionally licensed under this chapter who:

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2379 (a) Is a salaried employee of a government agency; a
2380 developmental disability facility or program; a mental health,
2381 alcohol, or drug abuse facility operating under chapter 393,
2382 chapter 394, or chapter 397; the statewide child care resource
2383 and referral network operating under s. 1002.92 ~~411.0101~~; a
2384 child-placing or child-caring agency licensed pursuant to
2385 chapter 409; a domestic violence center certified pursuant to
2386 chapter 39; an accredited academic institution; or a research
2387 institution, if such employee is performing duties for which he
2388 or she was trained and hired solely within the confines of such
2389 agency, facility, or institution, so long as the employee is not
2390 held out to the public as a psychologist pursuant to s.
2391 490.012(1)(a).

2392 Section 27. Paragraph (a) of subsection (4) of section
2393 491.014, Florida Statutes, is amended to read:

2394 491.014 Exemptions.—

2395 (4) No person shall be required to be licensed,
2396 provisionally licensed, registered, or certified under this
2397 chapter who:

2398 (a) Is a salaried employee of a government agency; a
2399 developmental disability facility or program; a mental health,
2400 alcohol, or drug abuse facility operating under chapter 393,
2401 chapter 394, or chapter 397; the statewide child care resource
2402 and referral network operating under s. 1002.92 ~~411.0101~~; a
2403 child-placing or child-caring agency licensed pursuant to
2404 chapter 409; a domestic violence center certified pursuant to
2405 chapter 39; an accredited academic institution; or a research
2406 institution, if such employee is performing duties for which he
2407 or she was trained and hired solely within the confines of such

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2408 agency, facility, or institution, so long as the employee is not
2409 held out to the public as a clinical social worker, mental
2410 health counselor, or marriage and family therapist.

2411 Section 28. Paragraph (b) of subsection (1) of section
2412 1001.11, Florida Statutes, is amended to read:

2413 1001.11 Commissioner of Education; other duties.—

2414 (1) The Commissioner of Education must independently
2415 perform the following duties:

2416 (b) Serve as the primary source of information to the
2417 Legislature, including the President of the Senate and the
2418 Speaker of the House of Representatives, concerning the State
2419 Board of Education, ~~and~~ the K-20 education system, and early
2420 learning programs.

2421 Section 29. Sections 411.01, 411.0101, 411.01013,
2422 411.01014, 411.01015, 411.0102, 411.0103, 411.0104, 411.0105,
2423 and 411.0106, Florida Statutes, are repealed.

2424 Section 30. Within existing Senior Management Service and
2425 Selected Exempt Service positions authorized for the Office of
2426 Early Learning, a Senior Management Service position for a
2427 general counsel and a Selected Exempt Service position for an
2428 inspector general are authorized for the office.

2429 Section 31. By October 1, 2013, the Office of Early
2430 Learning, in collaboration with the Commissioner of Education,
2431 shall develop a reorganization plan for the office. The plan
2432 shall include any changes made prior to July 1, 2013; personnel,
2433 purchasing, and budgetary matters and their alignment with the
2434 duties and responsibilities of the office; a report of all
2435 outstanding contractual obligations; and recommendations for
2436 statutory and budgetary changes. The plan shall be provided to

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2437 the Governor, the President of the Senate, and the Speaker of
2438 the House of Representatives.

2439 Section 32. This act shall take effect July 1, 2013.