



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; providing duties
5 relating to the establishment and operation of the
6 school readiness program and the Voluntary
7 Prekindergarten Education Program; amending s.
8 1002.51, F.S.; conforming a cross-reference; amending
9 s. 1002.53, F.S.; clarifying Voluntary Prekindergarten
10 Education Program student enrollment provisions;
11 amending s. 1002.55, F.S.; providing additional
12 requirements for private prekindergarten providers and
13 instructors; providing duties of the office; amending
14 s. 1002.57, F.S.; requiring the office to adopt
15 standards for a prekindergarten director credential;
16 amending s. 1002.59, F.S.; requiring the office to
17 adopt standards for training courses; amending s.
18 1002.61, F.S.; providing a requirement for a public
19 school delivering the summer prekindergarten program;
20 amending s. 1002.63, F.S.; providing a requirement for
21 a public school delivering the school-year
22 prekindergarten program; amending s. 1002.66, F.S.;
23 deleting obsolete provisions; amending s. 1002.67,
24 F.S.; requiring the office to adopt performance
25 standards for students in the Voluntary
26 Prekindergarten Education Program and approve
27 curricula; revising provisions relating to removal of
28 provider eligibility, submission of an improvement



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



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



85 | repealing s. 411.0101, F.S., relating to child care
86 | and early childhood resource and referral; repealing
87 | s. 411.01013, F.S., relating to the prevailing market
88 | rate schedule; repealing s. 411.01014, F.S., relating
89 | to school readiness transportation services; repealing
90 | s. 411.01015, F.S., relating to consultation to child
91 | care centers and family day care homes; repealing s.
92 | 411.0102, F.S., relating to the Child Care Executive
93 | Partnership Act; repealing s. 411.0103, F.S., relating
94 | to the Teacher Education and Compensation Helps
95 | scholarship program; repealing s. 411.0104, relating
96 | to Early Head Start collaboration grants; repealing s.
97 | 411.0105, F.S., relating to the Early Learning
98 | Opportunities Act and Even Start Family Literacy
99 | Programs; repealing s. 411.0106, F.S., relating to
100 | infants and toddlers in state-funded education and
101 | care programs; authorizing specified positions for the
102 | Office of Early Learning; requiring the office to
103 | develop a reorganization plan for the office and
104 | submit the plan to the Governor and the Legislature;
105 | providing an effective date.

106 |
107 | Be It Enacted by the Legislature of the State of Florida:

108 |
109 | Section 1. Section 1001.213, Florida Statutes, is created
110 | to read:

111 | 1001.213 Office of Early Learning.—There is created within
112 | the Department of Education the Office of Early Learning, which



113 shall be administered by an executive director. The office shall
114 be fully accountable to the Commissioner of Education but shall:

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

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

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

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

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

135 (6) Keep administrative staff to the minimum necessary to
136 administer the duties of the office.

137 Section 2. Subsection (4) of section 1002.51, Florida
138 Statutes, is amended to read:

139 1002.51 Definitions.—As used in this part, the term:

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



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

142 Section 3. Paragraph (a) of subsection (4) and paragraph
143 (b) of subsection (6) of section 1002.53, Florida Statutes, is
144 amended to read:

145 1002.53 Voluntary Prekindergarten Education Program;
146 eligibility and enrollment.—

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

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

161 Section 4. Paragraphs (c) and (g) of subsection (3) of
162 section 1002.55, Florida Statutes, are amended, paragraph (i) is
163 redesignated as paragraph (m), and new paragraphs (i), (j), (k),
164 and (l) are added to that subsection, to read:

165 1002.55 School-year prekindergarten program delivered by
166 private prekindergarten providers.—

167 (3) To be eligible to deliver the prekindergarten program,
168 a private prekindergarten provider must meet each of the



CS/HB 7165, Engrossed 1

2013

169 following requirements:

170 (c) The private prekindergarten provider must have, for
171 each prekindergarten class of 11 children or fewer, at least one
172 prekindergarten instructor who meets each of the following
173 requirements:

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

176 a. A child development associate credential issued by the
177 National Credentialing Program of the Council for Professional
178 Recognition; or

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

182

183 The Department of Children and Families ~~Family Services~~ may
184 adopt rules under ss. 120.536(1) and 120.54 which provide
185 criteria and procedures for approving equivalent credentials
186 under sub-subparagraph b.

187 2. The prekindergarten instructor must successfully
188 complete an emergent literacy training course and a student
189 performance standards training course approved by the office
190 ~~department~~ as meeting or exceeding the minimum standards adopted
191 under s. 1002.59. The requirement for completion of the
192 standards training course shall take effect July 1, 2014, and
193 the course shall be available online. ~~This subparagraph does not~~
194 ~~apply to a prekindergarten instructor who successfully completes~~
195 ~~approved training in early literacy and language development~~
196 ~~under s. 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5)~~



197 ~~before the establishment of one or more emergent literacy~~
198 ~~training courses under s. 1002.59 or April 1, 2005, whichever~~
199 ~~occurs later.~~

200 (g) ~~Before the beginning of the 2006-2007 school year,~~ The
201 private prekindergarten provider must have a prekindergarten
202 director who has a prekindergarten director credential that is
203 approved by the office ~~department~~ as meeting or exceeding the
204 minimum standards adopted under s. 1002.57. Successful
205 completion of a child care facility director credential under s.
206 402.305(2)(f) before the establishment of the prekindergarten
207 director credential under s. 1002.57 or July 1, 2006, whichever
208 occurs later, satisfies the requirement for a prekindergarten
209 director credential under this paragraph.

210 (i) The private prekindergarten provider must execute the
211 statewide provider contract prescribed under s. 1002.75, except
212 that an individual who owns or operates multiple private
213 prekindergarten providers within a coalition's service area may
214 execute a single agreement with the coalition on behalf of each
215 provider.

216 (j) The private prekindergarten provider must maintain
217 general liability insurance and provide the coalition with
218 written evidence of general liability insurance coverage,
219 including coverage for transportation of children if
220 prekindergarten students are transported by the provider. A
221 provider must obtain and retain an insurance policy that
222 provides a minimum of \$100,000 of coverage per occurrence and a
223 minimum of \$300,000 general aggregate coverage. The office may
224 authorize lower limits upon request, as appropriate. A provider



CS/HB 7165, Engrossed 1

2013

225 must add the coalition as a named certificateholder and as an
226 additional insured. A provider must provide the coalition with a
227 minimum of 10 calendar days' advance written notice of
228 cancellation of or changes to coverage. The general liability
229 insurance required by this paragraph must remain in full force
230 and effect for the entire period of the provider contract with
231 the coalition.

232 (k) The private prekindergarten provider must obtain and
233 maintain any required workers' compensation insurance under
234 chapter 440 and any required reemployment assistance or
235 unemployment compensation coverage under chapter 443.

236 (l) Notwithstanding paragraph (j), for a private
237 prekindergarten provider that is a state agency or a subdivision
238 thereof, as defined in s. 768.28(2), the provider must agree to
239 notify the coalition of any additional liability coverage
240 maintained by the provider in addition to that otherwise
241 established under s. 768.28. The provider shall indemnify the
242 coalition to the extent permitted by s. 768.28.

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

245 1002.57 Prekindergarten director credential.—

246 (1) ~~By July 1, 2006,~~ The office, in consultation with the
247 Department of Children and Families, department shall adopt
248 minimum standards for a credential for prekindergarten directors
249 of private prekindergarten providers delivering the Voluntary
250 Prekindergarten Education Program. The credential must encompass
251 requirements for education and onsite experience.

252 Section 6. Section 1002.59, Florida Statutes, is amended



CS/HB 7165, Engrossed 1

2013

253 to read:

254 1002.59 Emergent literacy and performance standards
255 training courses.-

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

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

278 Section 7. Subsections (3), (4), and (8) of section
279 1002.61, Florida Statutes, are amended to read:

280 1002.61 Summer prekindergarten program delivered by public



281 schools and private prekindergarten providers.—

282 (3) (a) Each district school board shall determine which
 283 public schools in the school district are eligible to deliver
 284 the summer prekindergarten program. The school district shall
 285 use educational facilities available in the public schools
 286 during the summer term for the summer prekindergarten program.

287 (b) Each public school delivering the summer
 288 prekindergarten program must execute the statewide provider
 289 contract prescribed under s. 1002.75, except that the school
 290 district may execute a single agreement with the early learning
 291 coalition on behalf of all district schools.

292 (c) ~~(b)~~ Except as provided in this section, to be eligible
 293 to deliver the summer prekindergarten program, a private
 294 prekindergarten provider must meet each requirement in s.
 295 1002.55.

296 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),
 297 each public school and private prekindergarten provider must
 298 have, for each prekindergarten class, at least one
 299 prekindergarten instructor who:

300 ~~(a)~~ is a certified teacher~~r~~ or

301 ~~(b)~~ holds one of the educational credentials specified in
 302 s. 1002.55(4)(a) or (b). As used in this subsection, the term
 303 "certified teacher" means a teacher holding a valid Florida
 304 educator certificate under s. 1012.56 who has the qualifications
 305 required by the district school board to instruct students in
 306 the summer prekindergarten program. In selecting instructional
 307 staff for the summer prekindergarten program, each school
 308 district shall give priority to teachers who have experience or



309 coursework in early childhood education.

310 (8) Each public school delivering the summer
311 prekindergarten program must also~~+~~

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

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

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

318 1002.63 School-year prekindergarten program delivered by
319 public schools.—

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

323 (b) Each public school delivering the school-year
324 prekindergarten program must execute the statewide provider
325 contract prescribed under s. 1002.75, except that the school
326 district may execute a single agreement with the early learning
327 coalition on behalf of all district schools.

328 (8) Each public school delivering the school-year
329 prekindergarten program must~~+~~

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

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

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

336 1002.66 Specialized instructional services for children



337 with disabilities.—

338 (1) ~~Beginning with the 2012-2013 school year,~~ A child who
 339 has a disability and enrolls with the early learning coalition
 340 under s. 1002.53(3)(d) is eligible for specialized instructional
 341 services if:

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

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

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

350 1002.67 Performance standards; curricula and
 351 accountability.—

352 (1)(a) The office ~~department~~ shall develop and adopt
 353 performance standards for students in the Voluntary
 354 Prekindergarten Education Program. The performance standards
 355 must address the age-appropriate progress of students in the
 356 development of:

- 357 1. The capabilities, capacities, and skills required under
 358 s. 1(b), Art. IX of the State Constitution; and
- 359 2. Emergent literacy skills, including oral communication,
 360 knowledge of print and letters, phonemic and phonological
 361 awareness, and vocabulary and comprehension development.

362
 363 By October 1, 2013, the office shall examine the existing
 364 performance standards in the area of mathematical thinking and



365 develop a plan to make appropriate professional development and
366 training courses available to prekindergarten instructors.

367 (b) The office ~~State Board of Education~~ shall periodically
368 review and revise the performance standards for the statewide
369 kindergarten screening administered under s. 1002.69 and align
370 the standards to the standards established by the state board
371 for student performance on the statewide assessments
372 administered pursuant to s. 1008.22.

373 (2)

374 (c) The office ~~department~~ shall review and approve
375 curricula for use by private prekindergarten providers and
376 public schools that are placed on probation under paragraph
377 (4) (c). The office ~~department~~ shall maintain a list of the
378 curricula approved under this paragraph. Each approved
379 curriculum must meet the requirements of paragraph (b).

380 (4) (a) Each early learning coalition shall verify that
381 each private prekindergarten provider delivering the Voluntary
382 Prekindergarten Education Program within the coalition's county
383 or multicounty region complies with this part. Each district
384 school board shall verify that each public school delivering the
385 program within the school district complies with this part.

386 (b) If a private prekindergarten provider or public school
387 fails or refuses to comply with this part, or if a provider or
388 school engages in misconduct, the office ~~of Early Learning~~ shall
389 require the early learning coalition to remove the provider, and
390 ~~the Department of Education shall~~ require the school district to
391 remove the school from eligibility to deliver the Voluntary
392 Prekindergarten Education Program and receive state funds under



393 | this part for a period of 5 years.

394 | (c)1. If the kindergarten readiness rate of a private
395 | prekindergarten provider or public school falls below the
396 | minimum rate adopted by the office ~~State Board of Education~~ as
397 | satisfactory under s. 1002.69(6), the early learning coalition
398 | or school district, as applicable, shall require the provider or
399 | school to submit an improvement plan for approval by the
400 | coalition or school district, as applicable, and to implement
401 | the plan;~~:-~~

402 | ~~2. If a private prekindergarten provider or public school~~
403 | ~~fails to meet the minimum rate adopted by the State Board of~~
404 | ~~Education as satisfactory under s. 1002.69(6), the early~~
405 | ~~learning coalition or school district, as applicable, shall~~
406 | place the provider or school on probation; and shall ~~must~~
407 | require the provider or school to take certain corrective
408 | actions, including the use of a curriculum approved by the
409 | office ~~department~~ under paragraph (2)(c) or a staff development
410 | plan to strengthen instruction in language development and
411 | phonological awareness approved by the office ~~department~~.

412 | ~~2.3-~~ A private prekindergarten provider or public school
413 | that is placed on probation must continue the corrective actions
414 | required under subparagraph 1. 2-, including the use of a
415 | curriculum or a staff development plan to strengthen instruction
416 | in language development and phonological awareness approved by
417 | the office ~~department~~, until the provider or school meets the
418 | minimum rate adopted by the office ~~State Board of Education~~ as
419 | satisfactory under s. 1002.69(6). Failure to implement an
420 | approved improvement plan or staff development plan shall result



421 in the termination of the provider's contract to deliver the
422 Voluntary Prekindergarten Education Program for a period of 5
423 years.

424 3.4. If a private prekindergarten provider or public
425 school remains on probation for 2 consecutive years and fails to
426 meet the minimum rate adopted by the office ~~State Board of~~
427 ~~Education~~ as satisfactory under s. 1002.69(6) and is not granted
428 a good cause exemption by the office ~~department~~ pursuant to s.
429 1002.69(7), the office ~~of Early Learning~~ shall require the early
430 learning coalition or ~~the Department of Education~~ shall require
431 the school district to remove, as applicable, the provider or
432 school from eligibility to deliver the Voluntary Prekindergarten
433 Education Program and receive state funds for the program for a
434 period of 5 years.

435 (d) Each early learning coalition and, ~~the office of Early~~
436 ~~Learning, and the department~~ shall coordinate with the Child
437 Care Services Program Office of the Department of Children and
438 Families ~~Family Services~~ to minimize interagency duplication of
439 activities for monitoring private prekindergarten providers for
440 compliance with requirements of the Voluntary Prekindergarten
441 Education Program under this part, the school readiness program
442 ~~programs~~ under part VI of this chapter ~~s. 411.01~~, and the
443 licensing of providers under ss. 402.301-402.319.

444 Section 11. Subsections (2), (5), (6), and (7) of section
445 1002.69, Florida Statutes, are amended to read:

446 1002.69 Statewide kindergarten screening; kindergarten
447 readiness rates; state-approved prekindergarten enrollment
448 screening; good cause exemption.—



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

453 (5) The office ~~State Board of Education~~ shall adopt
454 procedures ~~for the department~~ to annually calculate each private
455 prekindergarten provider's and public school's kindergarten
456 readiness rate, which must be expressed as the percentage of the
457 provider's or school's students who are assessed as ready for
458 kindergarten. The methodology for calculating each provider's
459 kindergarten readiness rate must include student learning gains
460 when available and the percentage of students who meet all state
461 readiness measures. The rates must not include students who are
462 not administered the statewide kindergarten screening. The
463 office ~~state board~~ shall determine learning gains using a value-
464 added measure based on growth demonstrated by the results of the
465 preassessment and postassessment ~~pre and post assessment~~ from
466 at least 2 successive years of administration of the
467 preassessment and postassessment ~~pre and post assessment~~.

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

473 (7) (a) Notwithstanding s. 1002.67(4)(c)3. ~~1002.67(4)(c)4.~~,
474 the office ~~State Board of Education~~, upon the request of a
475 private prekindergarten provider or public school that remains
476 on probation for 2 consecutive years or more and subsequently



477 fails to meet the minimum rate adopted under subsection (6) and
478 for good cause shown, may grant to the provider or school an
479 exemption from being determined ineligible to deliver the
480 Voluntary Prekindergarten Education Program and receive state
481 funds for the program. Such exemption is valid for 1 year and,
482 upon the request of the private prekindergarten provider or
483 public school and for good cause shown, may be renewed.

484 (b) A private prekindergarten provider's or public
485 school's request for a good cause exemption, or renewal of such
486 an exemption, must be submitted to the office ~~state board~~ in the
487 manner and within the timeframes prescribed by the office ~~state~~
488 ~~board~~ and must include the following:

489 1. Submission of data by the private prekindergarten
490 provider or public school which documents the achievement and
491 progress of the children served as measured by the state-
492 approved prekindergarten enrollment screening and the
493 standardized postassessment approved by the office ~~department~~
494 pursuant to subparagraph (c)1.

495 2. Submission and review of data available from the
496 respective early learning coalition or district school board,
497 the Department of Children and Families ~~Family Services~~, local
498 licensing authority, or an accrediting association, as
499 applicable, relating to the private prekindergarten provider's
500 or public school's compliance with state and local health and
501 safety standards.

502 3. Submission and review of data available to the office
503 ~~department~~ on the performance of the children served and the
504 calculation of the private prekindergarten provider's or public



505 school's kindergarten readiness rate.

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

509 1. Learning gains of children served in the Voluntary
510 Prekindergarten Education Program by the private prekindergarten
511 provider or public school.

512 2. Verification that local and state health and safety
513 requirements are met.

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

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

526 (f) ~~The State Board of Education shall notify the Office~~
527 ~~of Early Learning of any good cause exemption granted to a~~
528 ~~private prekindergarten provider under this subsection.~~ If a
529 good cause exemption is granted to a private prekindergarten
530 provider who remains on probation for 2 consecutive years, the
531 office ~~of Early Learning~~ shall notify the early learning
532 coalition of the good cause exemption and direct that the



533 coalition, notwithstanding s. 1002.67(4)(c)3. ~~1002.67(4)(e)4.~~,
534 not remove the provider from eligibility to deliver the
535 Voluntary Prekindergarten Education Program or to receive state
536 funds for the program, if the provider meets all other
537 applicable requirements of this part.

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

541 1002.71 Funding; financial and attendance reporting.—

542 (3)

543 (d) For programs offered by school districts pursuant to
544 s. 1002.61 ~~and beginning with the 2009 summer program~~, each
545 district's funding shall be based on a student enrollment that
546 is evenly divisible by 12. If the result of dividing a
547 district's student enrollment by 12 is not a whole number, the
548 district's enrollment calculation shall be adjusted by adding
549 the minimum number of students to produce a student enrollment
550 calculation that is evenly divisible by 12.

551 (5) (a) Each early learning coalition shall maintain
552 through the single point of entry established under s. 1002.82
553 ~~411.01~~ a current database of the students enrolled in the
554 Voluntary Prekindergarten Education Program for each county
555 within the coalition's region.

556 (b) The Office of Early Learning shall adopt procedures
557 for the payment of private prekindergarten providers and public
558 schools delivering the Voluntary Prekindergarten Education
559 Program. The procedures shall provide for the advance payment of
560 providers and schools based upon student enrollment in the



561 program, the certification of student attendance, and the
562 reconciliation of advance payments in accordance with the
563 uniform attendance policy adopted under paragraph (6)(d). The
564 procedures shall provide for the monthly distribution of funds
565 by the Office of Early Learning to the early learning coalitions
566 for payment by the coalitions to private prekindergarten
567 providers and public schools. ~~The department shall transfer to~~
568 ~~the Office of Early Learning at least once each quarter the~~
569 ~~funds available for payment to private prekindergarten providers~~
570 ~~and public schools in accordance with this paragraph from the~~
571 ~~funds appropriated for that purpose.~~

572 (7) The Office of Early Learning shall require that
573 administrative expenditures be kept to the minimum necessary for
574 efficient and effective administration of the Voluntary
575 Prekindergarten Education Program. Administrative policies and
576 procedures shall be revised, to the maximum extent practicable,
577 to incorporate the use of automation and electronic submission
578 of forms, including those required for child eligibility and
579 enrollment, provider and class registration, and monthly
580 certification of attendance for payment. A school district may
581 use its automated daily attendance reporting system for the
582 purpose of transmitting attendance records to the early learning
583 coalition in a mutually agreed-upon format. In addition, actions
584 shall be taken to reduce paperwork, eliminate the duplication of
585 reports, and eliminate other duplicative activities. Beginning
586 ~~with the 2011-2012 fiscal year,~~ Each early learning coalition
587 may retain and expend no more than 4.0 percent of the funds paid
588 by the coalition to private prekindergarten providers and public



589 schools under paragraph (5) (b). Funds retained by an early
590 learning coalition under this subsection may be used only for
591 administering the Voluntary Prekindergarten Education Program
592 and may not be used for the school readiness program or other
593 programs.

594 Section 13. Paragraph (a) of subsection (3) of section
595 1002.72, Florida Statutes, is amended to read:

596 1002.72 Records of children in the Voluntary
597 Prekindergarten Education Program.—

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

600 1. The United States Secretary of Education, the United
601 States Secretary of Health and Human Services, and the
602 Comptroller General of the United States for the purpose of
603 federal audits or investigations.

604 2. Individuals or organizations conducting studies for
605 institutions to develop, validate, or administer assessments or
606 improve instruction.

607 3. Accrediting organizations in order to carry out their
608 accrediting functions.

609 4. Appropriate parties in connection with an emergency if
610 the information is necessary to protect the health or safety of
611 the child or other individuals.

612 5. The Auditor General in connection with his or her
613 official functions.

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

616 7. Parties to an interagency agreement among early



617 learning coalitions, local governmental agencies, Voluntary
618 Prekindergarten Education Program providers, or state agencies
619 for the purpose of implementing the Voluntary Prekindergarten
620 Education Program.

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

624 1002.75 Office of Early Learning; powers and duties~~+~~
625 ~~operational requirements.-~~

626 (1) The Office of Early Learning shall adopt by rule a
627 standard statewide provider contract to be used with each
628 Voluntary Prekindergarten Education Program provider, with
629 standardized attachments by provider type. The office shall
630 publish a copy of the standard statewide provider contract on
631 its website. The standard statewide contract shall include, at a
632 minimum, provisions for provider probation, termination for
633 cause, and emergency termination for those actions or inactions
634 of a provider that pose an immediate and serious danger to the
635 health, safety, or welfare of children. The standard statewide
636 contract shall also include appropriate due process procedures.
637 During the pendency of an appeal of a termination, the provider
638 may not continue to offer its services. Any provision imposed
639 upon a provider that is inconsistent with, or prohibited by, law
640 is void and unenforceable. ~~The Office of Early Learning shall~~
641 ~~administer the operational requirements of the Voluntary~~
642 ~~Prekindergarten Education Program at the state level.~~

643 (2) The Office of Early Learning shall adopt procedures
644 governing the administration of the Voluntary Prekindergarten



CS/HB 7165, Engrossed 1

2013

645 Education Program by the early learning coalitions and school
646 districts for:

647 (a) Enrolling children in and determining the eligibility
648 of children for the Voluntary Prekindergarten Education Program
649 under s. 1002.53, which shall include the enrollment of children
650 by public schools and private providers that meet specified
651 requirements.

652 (d) Determining the eligibility of private prekindergarten
653 providers to deliver the program under ss. 1002.55 and 1002.61
654 and streamlining the process of provider eligibility whenever
655 possible.

656 Section 15. Subsections (1), (2), and (3) of section
657 1002.77, Florida Statutes, are amended to read:

658 1002.77 Florida Early Learning Advisory Council.—

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



673 (2) The advisory council shall be composed of the
674 following members:

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

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

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

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

682
683 The chair of the advisory council appointed by the Governor and
684 the members appointed by the presiding officers of the
685 Legislature must be from the business community and be in
686 compliance with s. 1002.83(5) ~~each have a background in early~~
687 ~~learning.~~

688 (3) The advisory council shall meet at least quarterly but
689 may meet as often as necessary to carry out its duties and
690 responsibilities. The advisory council may use any method of
691 telecommunications to conduct meetings, including establishing a
692 quorum through telecommunications, only if the public is given
693 proper notice of a telecommunications meeting and reasonable
694 access to observe and, when appropriate, participate.

695 Section 16. Section 1002.79, Florida Statutes, is amended
696 to read:

697 1002.79 Rulemaking authority.—

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



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

704 Section 17. Part VI of chapter 1002, Florida Statutes,
 705 consisting of sections 1002.81 through 1002.96, is created to
 706 read:

707 PART VI

708 SCHOOL READINESS PROGRAM

709 1002.81 Definitions.—Consistent with the requirements of
 710 45 C.F.R. parts 98 and 99 and as used in this part, the term:

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

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

715 (b) A child who is in a diversion program provided by the
 716 Department of Children and Families or its contracted provider
 717 and who is from a family that is actively participating and
 718 complying in department-prescribed activities, including
 719 education, health services, or work.

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

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



727 (e) A child in the custody of a parent who is a victim of
728 domestic violence residing in a certified domestic violence
729 center.

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

733 (2) "Authorized hours of care" means the hours of care
734 that are necessary to provide protection, maintain employment,
735 or complete work activities or eligible educational activities,
736 including reasonable travel time.

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

740 (4) "Direct enhancement services" means services for
741 families and children that are in addition to payments for the
742 placement of children in the school readiness program. Direct
743 enhancement services for families and children may include
744 supports for providers, parent training and involvement
745 activities, and strategies to meet the needs of unique
746 populations and local eligibility priorities. Direct enhancement
747 services offered by an early learning coalition shall be
748 consistent with the activities prescribed in s. 1002.89(6)(b).

749 (5) "Disenrollment" means the removal either temporary or
750 permanent, of a child from participation in the school readiness
751 program. Removal of a child from the school readiness program
752 may be based on the following events: a reduction in available
753 school readiness program funding, participant's failure to meet



754 eligibility or program participation requirements, fraud, or a
755 change in local service priorities.

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

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

767 (8) "Family income" means the combined gross income,
768 whether earned or unearned, that is derived from any source by
769 all family or household members who are 18 years of age or older
770 who are currently residing together in the same dwelling unit.
771 The term does not include income earned by a currently enrolled
772 high school student who, since attaining the age of 18 years, or
773 a student with a disability who, since attaining the age of 22
774 years, has not terminated school enrollment or received a high
775 school diploma, high school equivalency diploma, special
776 diploma, or certificate of high school completion. The term also
777 does not include food stamp benefits or federal housing
778 assistance payments issued directly to a landlord or the
779 associated utilities expenses.

780 (9) "Family or household members" means spouses, former
781 spouses, persons related by blood or marriage, persons who are



782 parents of a child in common regardless of whether they have
783 been married, and other persons who are currently residing
784 together in the same dwelling unit as if a family.

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

788 (11) "Market rate" means the price that a child care or
789 early childhood education provider charges for full-time or
790 part-time daily, weekly, or monthly child care or early
791 childhood education services.

792 (12) "Office" means the Office of Early Learning of the
793 Department of Education.

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

797 (14) "Single point of entry" means an integrated
798 information system that allows a parent to enroll his or her
799 child in the school readiness program or the Voluntary
800 Prekindergarten Education Program at various locations
801 throughout a county, that may allow a parent to enroll his or
802 her child by telephone or through a website, and that uses a
803 uniform waiting list to track eligible children waiting for
804 enrollment in the school readiness program.

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

807 (a) Documented alimony and child support received.

808 (b) Social security benefits.

809 (c) Supplemental security income benefits.



- 810 (d) Workers' compensation benefits.
- 811 (e) Reemployment assistance or unemployment compensation
812 benefits.
- 813 (f) Veterans' benefits.
- 814 (g) Retirement benefits.
- 815 (h) Temporary cash assistance under chapter 414.
- 816 (16) "Working family" means:
- 817 (a) A single-parent family in which the parent with whom
818 the child resides is employed or engaged in eligible work or
819 education activities for at least 20 hours per week;
- 820 (b) A two-parent family in which both parents with whom
821 the child resides are employed or engaged in eligible work or
822 education activities for a combined total of at least 40 hours
823 per week; or
- 824 (c) A two-parent family in which one of the parents with
825 whom the child resides is exempt from work requirements due to
826 age or disability, as determined and documented by a physician
827 licensed under chapter 458 or chapter 459, and one parent is
828 employed or engaged in eligible work or education activities at
829 least 20 hours per week.
- 830 1002.82 Office of Early Learning; powers and duties.—
- 831 (1) For purposes of administration of the Child Care and
832 Development Block Grant Trust Fund, pursuant to 45 C.F.R. parts
833 98 and 99, the Office of Early Learning is designated as the
834 lead agency and must comply with lead agency responsibilities
835 pursuant to federal law. The office may apply to the Governor
836 and Cabinet for a waiver of, and the Governor and Cabinet may
837 wave, any provision of ss. 411.223 and 1003.54 if the waiver is



838 necessary for implementation of the school readiness program.
839 Section 125.901(2)(a)3. does not apply to the school readiness
840 program.

841 (2) The office shall:

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

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

852 (c) Be responsible for the prudent use of all public and
853 private funds in accordance with all legal and contractual
854 requirements, safeguarding the effective use of federal, state,
855 and local resources to achieve the highest practicable level of
856 school readiness for the children described in s. 1002.87,
857 including:

858 1. The adoption of a uniform chart of accounts for
859 budgeting and financial reporting purposes that provides
860 standardized definitions for expenditures and reporting,
861 consistent with the requirements of 45 C.F.R. part 98 and s.
862 1002.89 for each of the following categories of expenditure:

863 a. Direct services to children.
864 b. Administrative costs.
865 c. Quality activities.



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



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



922 3. Numeracy, language, and communication.

923 4. Physical development.

924 5. Self-regulation.

925 (k) Select assessments that are valid, reliable, and
926 developmentally appropriate for use as preassessment and
927 postassessment for the age ranges specified in the coalition
928 plans. The assessments must be designed to measure progress in
929 the domains of the performance standards adopted pursuant to
930 paragraph (j), provide appropriate accommodations for children
931 with disabilities and English language learners, and be
932 administered by qualified individuals, consistent with the
933 publisher's instructions.

934 (l) Adopt a list of approved curricula that meet the
935 performance standards for the school readiness program and
936 establish a process for the review and approval of a provider's
937 curriculum that meets the performance standards.

938 (m) Adopt by rule a standard statewide provider contract
939 to be used with each school readiness program provider, with
940 standardized attachments by provider type. The office shall
941 publish a copy of the standard statewide provider contract on
942 its website. The standard statewide contract shall include, at a
943 minimum, provisions for provider probation, termination for
944 cause, and emergency termination for those actions or inactions
945 of a provider that pose an immediate and serious danger to the
946 health, safety, or welfare of the children. The standard
947 statewide provider contract shall also include appropriate due
948 process procedures. During the pendency of an appeal of a
949 termination, the provider may not continue to offer its



950 services. Any provision imposed upon a provider that is
951 inconsistent with, or prohibited by, law is void and
952 unenforceable.

953 (n) Establish a single statewide information system that
954 each coalition must use for the purposes of managing the single
955 point of entry, tracking children's progress, coordinating
956 services among stakeholders, determining eligibility of
957 children, tracking child attendance, and streamlining
958 administrative processes for providers and early learning
959 coalitions.

960 (o) Adopt by rule standardized procedures for coalitions
961 to use when monitoring the compliance of school readiness
962 program providers with the terms of the standard statewide
963 provider contract.

964 (p) Monitor and evaluate the performance of each early
965 learning coalition in administering the school readiness
966 program, ensuring proper payments for school readiness program
967 services, implementing the coalition's school readiness program
968 plan, and administering the Voluntary Prekindergarten Education
969 Program. These monitoring and performance evaluations must
970 include, at a minimum, onsite monitoring of each coalition's
971 finances, management, operations, and programs.

972 (q) Work in conjunction with the Bureau of Federal
973 Education Programs within the Department of Education to
974 coordinate readiness and voluntary prekindergarten services to
975 the populations served by the bureau.

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



978 day care homes regarding health, developmental, disability, and
979 special needs issues of the children they are serving,
980 particularly children with disabilities and other special needs.

981 The office shall:

982 1. Annually inform child care facilities and family day
983 care homes of the availability of this service through the child
984 care resource and referral network under s. 1002.92.

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

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

1001 (4) The office may request the Governor to apply for a
1002 waiver to allow a coalition to administer the Head Start Program
1003 to accomplish the purposes of the school readiness program.

1004 (5) By January 1 of each year, the office shall annually
1005 publish on its website a report of its activities conducted



1006 under this section. The report must include a summary of the
1007 coalitions' annual reports, a statewide summary, and the
1008 following:

1009 (a) An analysis of early learning activities throughout
1010 the state, including the school readiness program and the
1011 Voluntary Prekindergarten Education Program.

1012 1. The total and average number of children served in the
1013 school readiness program, enumerated by age, eligibility
1014 priority category, and coalition, and the total number of
1015 children served in the Voluntary Prekindergarten Education
1016 Program.

1017 2. A summary of expenditures by coalition, by fund source,
1018 including a breakdown by coalition of the percentage of
1019 expenditures for administrative activities, quality activities,
1020 nondirect services, and direct services for children.

1021 3. A description of the office's and each coalition's
1022 expenditures by fund source for the quality and enhancement
1023 activities described in s. 1002.89(6)(b).

1024 4. A summary of annual findings and collections related to
1025 provider fraud and parent fraud.

1026 5. Data regarding the coalitions' delivery of early
1027 learning programs.

1028 6. The total number of children disenrolled statewide and
1029 the reason for disenrollment.

1030 7. The total number of providers by provider type.

1031 8. The total number of provider contracts revoked and the
1032 reasons for revocation.

1033 (b) A summary of the activities and detailed expenditures



1034 related to the Child Care Executive Partnership Program.

1035 (6) (a) Parental choice of child care providers, including
 1036 private and faith-based providers, shall be established to the
 1037 maximum extent practicable in accordance with 45 C.F.R. s.
 1038 98.30.

1039 (b) As used in this subsection, the term "payment
 1040 certificate" means a child care certificate as defined in 45
 1041 C.F.R. s. 98.2.

1042 (c) The school readiness program shall, in accordance with
 1043 45 C.F.R. s. 98.30, provide parental choice through a payment
 1044 certificate that provides, to the maximum extent possible,
 1045 flexibility in the school readiness program and payment
 1046 arrangements. The payment certificate must bear the names of the
 1047 beneficiary and the program provider and, when redeemed, must
 1048 bear the signatures of both the beneficiary and an authorized
 1049 representative of the provider.

1050 (d) If it is determined that a provider has given any cash
 1051 or other consideration to the beneficiary in return for
 1052 receiving a payment certificate, the early learning coalition or
 1053 its fiscal agent shall refer the matter to the Department of
 1054 Financial Services pursuant to s. 414.411 for investigation.

1055 (7) Participation in the school readiness program does not
 1056 expand the regulatory authority of the state, its officers, or
 1057 an early learning coalition to impose any additional regulation
 1058 on providers beyond those necessary to enforce the requirements
 1059 set forth in this part and part V of this chapter.

1060 1002.83 Early learning coalitions.—



1061 (1) Thirty-one or fewer early learning coalitions are
1062 established and shall maintain direct enhancement services at
1063 the local level and provide access to such services in all 67
1064 counties. Two or more early learning coalitions may join for
1065 purposes of planning and implementing a school readiness program
1066 and the Voluntary Prekindergarten Education Program.

1067 (2) Each early learning coalition shall be composed of at
1068 least 15 members but not more than 30 members.

1069 (3) The Governor shall appoint the chair and two other
1070 members of each early learning coalition, who must each meet the
1071 same qualifications as private sector business members appointed
1072 by the coalition under subsection (5).

1073 (4) Each early learning coalition must include the
1074 following member positions; however, in a multicounty coalition,
1075 each ex officio member position may be filled by multiple
1076 nonvoting members but no more than one voting member shall be
1077 seated per member position. If an early learning coalition has
1078 more than one member representing the same entity, only one of
1079 such members may serve as a voting member:

1080 (a) A Department of Children and Families regional
1081 administrator or his or her permanent designee who is authorized
1082 to make decisions on behalf of the department.

1083 (b) A district superintendent of schools or his or her
1084 permanent designee who is authorized to make decisions on behalf
1085 of the district.

1086 (c) A regional workforce board executive director or his
1087 or her permanent designee.



- 1088 (d) A county health department director or his or her
- 1089 designee.
- 1090 (e) A children's services council or juvenile welfare
- 1091 board chair or executive director, if applicable.
- 1092 (f) An agency head of a local licensing agency as defined
- 1093 in s. 402.302, where applicable.
- 1094 (g) A president of a Florida College System institution or
- 1095 his or her permanent designee.
- 1096 (h) One member appointed by a board of county
- 1097 commissioners or the governing board of a municipality.
- 1098 (i) A Head Start director.
- 1099 (j) A representative of private for-profit child care
- 1100 providers, including private for-profit family day care homes.
- 1101 (k) A representative of faith-based child care providers.
- 1102 (l) A representative of programs for children with
- 1103 disabilities under the federal Individuals with Disabilities
- 1104 Education Act.
- 1105 (m) A central agency administrator, where applicable.
- 1106 (5) Including the members appointed by the Governor under
- 1107 subsection (3), more than one-third of the members of each early
- 1108 learning coalition must be private sector business members,
- 1109 either for-profit or nonprofit, who do not have, and none of
- 1110 whose relatives as defined in s. 112.3143 has, a substantial
- 1111 financial interest in the design or delivery of the Voluntary
- 1112 Prekindergarten Education Program created under part V of this
- 1113 chapter or the school readiness program. To meet this
- 1114 requirement an early learning coalition must appoint additional
- 1115 members. The office shall establish criteria for appointing



1116 private sector business members. These criteria must include
1117 standards for determining whether a member or relative has a
1118 substantial financial interest in the design or delivery of the
1119 Voluntary Prekindergarten Education Program or the school
1120 readiness program.

1121 (6) A majority of the voting membership of an early
1122 learning coalition constitutes a quorum required to conduct the
1123 business of the coalition. An early learning coalition may use
1124 any method of telecommunications to conduct meetings, including
1125 establishing a quorum through telecommunications, provided that
1126 the public is given proper notice of a telecommunications
1127 meeting and reasonable access to observe and, when appropriate,
1128 participate.

1129 (7) A voting member of an early learning coalition may not
1130 appoint a designee to act in his or her place, except as
1131 otherwise provided in this subsection. A voting member may send
1132 a representative to coalition meetings but that representative
1133 does not have voting privileges. When a regional administrator
1134 for the Department of Children and Families appoints a designee
1135 to an early learning coalition, the designee is the voting
1136 member of the coalition, and any individual attending in the
1137 designee's place, including the district administrator, does not
1138 have voting privileges.

1139 (8) Each member of an early learning coalition is subject
1140 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
1141 112.3143(3)(a), each voting member is a local public officer who
1142 must abstain from voting when a voting conflict exists.



1143 (9) For purposes of tort liability, each member or
1144 employee of an early learning coalition shall be governed by s.
1145 768.28.

1146 (10) An early learning coalition serving a multicounty
1147 region must include representation from each county.

1148 (11) Each early learning coalition shall establish terms
1149 for all appointed members of the coalition. The terms must be
1150 staggered and must be a uniform length that does not exceed 4
1151 years per term. Coalition chairs shall be appointed for 4 years
1152 in conjunction with their membership on the Early Learning
1153 Advisory Council pursuant to s. 20.052. Appointed members may
1154 serve a maximum of two consecutive terms. When a vacancy occurs
1155 in an appointed position, the coalition must advertise the
1156 vacancy.

1157 (12) State, federal, and local matching funds provided to
1158 the early learning coalitions may not be used directly or
1159 indirectly to pay for meals, food, or beverages for coalition
1160 members, coalition employees, or for subcontractor employees.
1161 Preapproved, reasonable, and necessary per diem allowances and
1162 travel expenses may be reimbursed. Such reimbursement shall be
1163 at the standard travel reimbursement rates established in s.
1164 112.061 and must comply with applicable federal and state
1165 requirements.

1166 (13) Each early learning coalition shall use a coordinated
1167 professional development system that supports the achievement
1168 and maintenance of core competencies by school readiness program
1169 teachers in helping children attain the performance standards
1170 adopted by the office.



1171 (14) Each school district shall, upon request of the
1172 coalition, make a list of all individuals currently eligible to
1173 act as a substitute teacher within the school district, pursuant
1174 to rules adopted by the school district pursuant to s. 1012.35,
1175 available to an early learning coalition serving students within
1176 the school district. Child care facilities as defined in s.
1177 402.302 may employ individuals listed as substitute instructors
1178 for the purpose of offering the school readiness program, the
1179 Voluntary Prekindergarten Education Program, and all other
1180 legally operating child care programs.

1181 1002.84 Early learning coalitions; school readiness powers
1182 and duties.—Each early learning coalition shall:

1183 (1) Administer and implement a local comprehensive program
1184 of school readiness program services in accordance with this
1185 part and the rules adopted by the office, which enhances the
1186 cognitive, social, and physical development of children to
1187 achieve the performance standards.

1188 (2) Establish a uniform waiting list to track eligible
1189 children waiting for enrollment in the school readiness program
1190 in accordance with rules adopted by the office.

1191 (3) Establish a resource and referral network operating
1192 under 1002.92 to assist parents in making an informed choice and
1193 provide maximum parental choice of providers and to provide
1194 information on available community resources.

1195 (4) Establish a regional Warm-Line as directed by the
1196 office pursuant to s. 1002.82(2)(r). Regional Warm-Line staff
1197 shall provide onsite technical assistance, when requested, to
1198 assist child care facilities and family day care homes with



1199 inquiries relating to the strategies, curriculum, and
1200 environmental adaptations the child care facilities and family
1201 day care homes may need as they serve children with disabilities
1202 and other special needs.

1203 (5) Establish an age-appropriate screening, for children
1204 ages birth to 5 years, of each child's development and an
1205 appropriate referral process for children with identified
1206 delays. Such screening shall not be a requirement of entry into
1207 the school readiness program and shall be only given with
1208 parental consent.

1209 (6) Implement an age-appropriate preassessment and
1210 postassessment of children if specified in the coalition's
1211 approved plan.

1212 (7) Determine child eligibility pursuant to s. 1002.87 and
1213 provider eligibility pursuant to s. 1002.88. At a minimum, child
1214 eligibility must be redetermined annually. Redetermination must
1215 also be conducted twice per year for an additional 50 percent of
1216 a coalition's enrollment through a statistically valid random
1217 sampling. A coalition must document the reason why a child is no
1218 longer eligible for the school readiness program according to
1219 the standard codes prescribed by the office.

1220 (8) Establish a parent sliding fee scale that requires a
1221 parent copayment to participate in the school readiness program.
1222 Providers are required to collect the parent's copayment. A
1223 coalition may, on a case-by-case basis, waive the copayment for
1224 an at-risk child or temporarily waive the copayment for a child
1225 whose family experiences a natural disaster or an event that
1226 limits the parent's ability to pay, such as incarceration,



1227 placement in residential treatment, or becoming homeless, or an
1228 emergency situation such as a household fire or burglary, or
1229 while the parent is participating in parenting classes. A parent
1230 may not transfer school readiness program services to another
1231 school readiness program provider until the parent has submitted
1232 documentation from the current school readiness program provider
1233 to the early learning coalition stating that the parent has
1234 satisfactorily fulfilled the copayment obligation.

1235 (9) Establish proper maintenance of records related to
1236 eligibility and enrollment files, provider payments, coalition
1237 staff background screenings, and other documents required for
1238 the implementation of the school readiness program.

1239 (10) Establish a records retention requirement for sign-in
1240 and sign-out records that is consistent with state and federal
1241 law. Attendance records may not be altered or amended after
1242 December 31 of the subsequent year.

1243 (11) Follow the tangible personal property requirements of
1244 chapter 274 and rules adopted under that chapter.

1245 (12) Comply with federal procurement requirements and the
1246 procurement requirements of ss. 215.971, 287.057, and 287.058,
1247 except that an early learning coalition is not required to
1248 competitively procure direct services for school readiness
1249 program and Voluntary Prekindergarten Education Program
1250 providers.

1251 (13) Establish proper information technology security
1252 controls, including, but not limited to, periodically reviewing
1253 the appropriateness of access privileges assigned to users of
1254 certain systems; monitoring system hardware performance and



1255 capacity-related issues; and ensuring appropriate backup
1256 procedures and disaster recovery plans are in place.

1257 (14) Develop written policies, procedures, and standards
1258 for monitoring vendor contracts, including, but not limited to,
1259 provisions specifying the particular procedures that may be used
1260 to evaluate contractor performance and the documentation that is
1261 to be maintained to serve as a record of contractor performance.
1262 This subsection does not apply to contracts with school
1263 readiness program providers or Voluntary Prekindergarten
1264 Education Program providers.

1265 (15) Monitor school readiness program providers in
1266 accordance with its plan, or in response to a parental
1267 complaint, to verify that the standards prescribed in ss.
1268 1002.82 and 1002.88 are being met using a standard monitoring
1269 tool adopted by the office. Providers determined to be high-risk
1270 by the coalition, as demonstrated by substantial findings of
1271 violations of federal law or the general or local laws of the
1272 state, shall be monitored more frequently. Providers with 3
1273 consecutive years of compliance may be monitored biennially.

1274 (16) Adopt a payment schedule that encompasses all
1275 programs funded under this part and part V of this chapter. The
1276 payment schedule must take into consideration the average market
1277 rate, include the projected number of children to be served, and
1278 be submitted for approval by the office. Informal child care
1279 arrangements shall be reimbursed at not more than 50 percent of
1280 the rate adopted for a family day care home.

1281 (17) Implement an anti-fraud plan addressing the
1282 detection, reporting, and prevention of overpayments, abuse, and



1283 fraud relating to the provision of and payment for school
1284 readiness program and Voluntary Prekindergarten Education
1285 Program services and submit the plan to the office for approval,
1286 as required by s. 1002.91.

1287 (18) By October 1 of each year, submit an annual report to
1288 the office. The report shall conform to the format adopted by
1289 the office and must include:

1290 (a) Segregation of school readiness program funds,
1291 Voluntary Prekindergarten Education Program funds, Child Care
1292 Executive Partnership Program funds, and other local revenues
1293 available to the coalition.

1294 (b) Details of expenditures by fund source, including
1295 total expenditures for administrative activities, quality
1296 activities, nondirect services, and direct services for
1297 children.

1298 (c) The total number of coalition staff and the related
1299 expenditures for salaries and benefits. For any subcontracts,
1300 the total number of contracted staff and the related
1301 expenditures for salaries and benefits must be included.

1302 (d) The number of children served in the school readiness
1303 program, by provider type, enumerated by age and eligibility
1304 priority category, reported as the number of children served
1305 during the month, the average participation throughout the
1306 month, and the number of children served during the month.

1307 (e) The total number of children disenrolled during the
1308 year and the reasons for disenrollment.

1309 (f) The total number of providers by provider type.

1310 (g) A listing of any school readiness program provider, by



1311 type, whose eligibility to deliver the school readiness program
1312 is revoked, including a brief description of the state or
1313 federal violation that resulted in the revocation.

1314 (h) An evaluation of its direct enhancement services.

1315 (i) The total number of children served in each provider
1316 facility.

1317 (19) Maintain its administrative staff at the minimum
1318 necessary to administer the duties of the early learning
1319 coalition.

1320 (20) To increase transparency and accountability, comply
1321 with the requirements of this section before contracting with a
1322 member of the coalition or a relative, as defined in s.
1323 112.3143(1)(b), of a coalition member or of an employee of the
1324 coalition. Such contracts may not be executed without the
1325 approval of the office. Such contracts, as well as documentation
1326 demonstrating adherence to this section by the coalition, must
1327 be approved by a two-thirds vote of the coalition, a quorum
1328 having been established; all conflicts of interest must be
1329 disclosed before the vote; and any member who may benefit from
1330 the contract, or whose relative may benefit from the contract,
1331 must abstain from the vote. A contract under \$25,000 between an
1332 early learning coalition and a member of that coalition or
1333 between a relative, as defined in s. 112.3143(1)(b), of a
1334 coalition member or of an employee of the coalition is not
1335 required to have the prior approval of the office but must be
1336 approved by a two-thirds vote of the coalition, a quorum having
1337 been established, and must be reported to the office within 30
1338 days after approval. If a contract cannot be approved by the



1339 office, a review of the decision to disapprove the contract may
1340 be requested by the early learning coalition or other parties to
1341 the disapproved contract.

1342 1002.85 Early learning coalition plans.—

1343 (1) The office shall adopt rules prescribing the
1344 standardized format and required content of school readiness
1345 program plans as necessary for a coalition or other qualified
1346 entity to administer the school readiness program as provided in
1347 this part.

1348 (2) Each early learning coalition must biennially submit a
1349 school readiness program plan to the office before the
1350 expenditure of funds. A coalition may not implement its school
1351 readiness program plan until it receives approval from the
1352 office. A coalition may not implement any revision to its school
1353 readiness program plan until the coalition submits the revised
1354 plan to and receives approval from the office. If the office
1355 rejects a plan or revision, the coalition must continue to
1356 operate under its previously approved plan. The plan must
1357 include, but is not limited to:

1358 (a) The coalition's operations, including its membership
1359 and business organization, and the coalition's articles of
1360 incorporation and bylaws if the coalition is organized as a
1361 corporation. If the coalition is not organized as a corporation
1362 or other business entity, the plan must include the contract
1363 with a fiscal agent.

1364 (b) The minimum number of children to be served by care
1365 level.

1366 (c) The coalition's procedures for implementing the



1367 requirements of this part, including:
 1368 1. Single point of entry.
 1369 2. Uniform waiting list.
 1370 4. Eligibility and enrollment processes.
 1371 5. Parent access and choice.
 1372 6. Sliding fee scale and policies on applying the waiver or
 1373 reduction of fees in accordance with 1002.84(8).
 1374 7. Use of preassessments and postassessments, as
 1375 applicable.
 1376 8. Payment rate.
 1377 (d) A detailed description of the coalition's quality
 1378 activities and services, including:
 1379 1. Resource and referral and school-age child care.
 1380 2. Infant and toddler early learning.
 1381 3. Inclusive early learning programs.
 1382 (e) A detailed budget that outlines estimated expenditures
 1383 for state, federal, and local matching funds at the lowest level
 1384 of detail available by other-cost-accumulator code number; all
 1385 estimated sources of revenue with identifiable descriptions; a
 1386 listing of full-time equivalent positions; contracted
 1387 subcontractor costs with related annual compensation amount or
 1388 hourly rate of compensation; and a capital improvements plan
 1389 outlining existing fixed capital outlay projects and proposed
 1390 capital outlay projects that will begin during the budget year.
 1391 (f) A detailed accounting, in the format prescribed by the
 1392 office, of all revenues and expenditures during the previous
 1393 state fiscal year. Revenue sources should be identifiable and
 1394 expenditures should be reported by three categories: state and



1395 federal funds, local matching funds, and Child Care Executive
1396 Partnership Program funds.

1397 (g) Updated policies and procedures, including those
1398 governing procurement, maintenance of tangible personal
1399 property, maintenance of records, information technology
1400 security, and disbursement controls.

1401 (h) A description of the procedures for monitoring school
1402 readiness program providers, including in response to a parental
1403 complaint, to determine that the standards prescribed in ss.
1404 1002.82 and 1002.88 are met using a standard monitoring tool
1405 adopted by the office. Providers determined to be high risk by
1406 the coalition as demonstrated by substantial findings of
1407 violations of law shall be monitored more frequently.

1408 (i) Documentation that the coalition has solicited and
1409 considered comments regarding the proposed school readiness
1410 program plan from the local community.

1411 (3) The coalition may periodically amend its plan as
1412 necessary. An amended plan must be submitted to and approved by
1413 the office before any expenditures are incurred on the new
1414 activities proposed in the amendment.

1415 (4) The office shall publish a copy of the standardized
1416 format and required content of school readiness program plans on
1417 its website.

1418 (5) The office shall collect and report data on coalition
1419 delivery of early learning programs. Elements shall include, but
1420 are not limited to, measures related to progress towards
1421 reducing the number of children on the waitlist, the percentage
1422 of children served by the program as compared to the number of



CS/HB 7165, Engrossed 1

2013

1423 administrative staff and overhead, the percentage of children
1424 served compared to total number of children under the age of 5
1425 years below 150 percent of the federal poverty level, provider
1426 payment processes, fraud intervention, child attendance and
1427 stability, use of child care resource and referral, and
1428 kindergarten readiness outcomes for children in the Voluntary
1429 Prekindergarten Education Program or the school readiness
1430 program upon entry into kindergarten. The office shall request
1431 input from the coalitions and school readiness program providers
1432 before finalizing the format and data to be used. The report
1433 shall be implemented beginning July 1, 2014, and results of the
1434 report must be included in the annual report under s. 1002.82.

1435 1002.86 School readiness program; education component.—The
1436 education component of the school readiness program should be
1437 developmentally appropriate and based on research, involve the
1438 parent as the child's first teacher, serve as a preventive
1439 measure for children at risk of future school failure, and
1440 enhance the educational readiness of eligible children. The
1441 school readiness program should be of assistance to parents in
1442 preparing their at-risk children for educational success,
1443 including, as appropriate, health screening and referral.

1444 1002.87 School readiness program; eligibility and
1445 enrollment.—

1446 (1) Effective August 1, 2013, or upon reevaluation of
1447 eligibility for children currently served, whichever is later,
1448 each early learning coalition shall give priority for
1449 participation in the school readiness program as follows:

1450 (a) Priority shall be given first to a child younger than



1451 13 years of age from a family that includes a parent who is
1452 receiving temporary cash assistance under chapter 414 and
1453 subject to the federal work requirements.

1454 (b) Priority shall be given next to an at-risk child
1455 younger than 9 years of age.

1456 (c) Priority shall be given next to a child from birth to
1457 the beginning of the school year for which the child is eligible
1458 for admission to kindergarten in a public school under s.
1459 1003.21(1)(a)2. who is from a working family that is
1460 economically disadvantaged, and may include such child's
1461 eligible siblings, beginning with the school year in which the
1462 sibling is eligible for admission to kindergarten in a public
1463 school under s. 1003.21(1)(a)2. until the beginning of the
1464 school year in which the sibling is eligible to begin 6th grade,
1465 provided that the first priority for funding an eligible sibling
1466 is local revenues available to the coalition for funding direct
1467 services. However, a child eligible under this paragraph ceases
1468 to be eligible if his or her family income exceeds 200 percent
1469 of the federal poverty level.

1470 (d) Priority shall be given next to a child of a parent
1471 who transitions from the work program into employment as
1472 described in s. 445.032 from birth to the beginning of the
1473 school year for which the child is eligible for admission to
1474 kindergarten in a public school under s. 1003.21(1)(a)2.

1475 (e) Priority shall be given next to an at-risk child who
1476 is at least 9 years of age but younger than 13 years of age. An
1477 at-risk child whose sibling is enrolled in the school readiness
1478 program within an eligibility priority category listed in



1479 paragraphs (a)-(c) shall be given priority over other children
1480 who are eligible under this paragraph.

1481 (f) Priority shall be given next to a child who is younger
1482 than 13 years of age from a working family that is economically
1483 disadvantaged. A child who is eligible under this paragraph
1484 whose sibling is enrolled in the school readiness program under
1485 paragraph (c) shall be given priority over other children who
1486 are eligible under this paragraph. However, a child eligible
1487 under this paragraph ceases to be eligible if his or her family
1488 income exceeds 200 percent of the federal poverty level.

1489 (g) Priority shall be given next to a child of a parent
1490 who transitions from the work program into employment as
1491 described in s. 445.032 who is younger than 13 years of age.

1492 (h) Priority shall be given next to a child who has
1493 special needs, has been determined eligible as a student with a
1494 disability, has a current individual education plan with a
1495 Florida school district, and is not younger than 3 years of age.
1496 A special needs child eligible under this paragraph remains
1497 eligible until the child is eligible for admission to
1498 kindergarten in a public school under s. 1003.21(1)(a)2.

1499 (i) Notwithstanding paragraphs (a)-(d), priority shall be
1500 given last to a child who otherwise meets one of the eligibility
1501 criteria in paragraphs (a)-(d) but who is also enrolled
1502 concurrently in the federal Head Start Program and the Voluntary
1503 Prekindergarten Education Program.

1504 (2) A school readiness program provider may be paid only
1505 for authorized hours of care provided for a child in the school
1506 readiness program. A child enrolled in the Voluntary



1507 Prekindergarten Education Program may receive care from the
1508 school readiness program if the child is eligible according to
1509 the eligibility priorities in this section.

1510 (3) Contingent upon the availability of funds, a coalition
1511 shall enroll eligible children, including those from its waiting
1512 list, according to the eligibility priorities in this section.

1513 (4) The parent of a child enrolled in the school readiness
1514 program must notify the coalition or its designee within 10 days
1515 after any change in employment, income, or family size. Upon
1516 notification by the parent, the child's eligibility must be
1517 reevaluated.

1518 (5) A child whose eligibility priority category requires
1519 the child to be from a working family ceases to be eligible for
1520 the school readiness program if a parent with whom the child
1521 resides does not reestablish employment within 60 days after
1522 becoming unemployed.

1523 (6) Eligibility for each child must be reevaluated
1524 annually. Upon reevaluation, a child may not continue to receive
1525 school readiness program services if he or she has ceased to be
1526 eligible under this section.

1527 (7) If a coalition disenrolls children from the school
1528 readiness program, the coalition must disenroll the children in
1529 reverse order of the eligibility priorities listed in subsection
1530 (1) beginning with children from families with the highest
1531 family incomes. A notice of disenrollment must be sent to the
1532 parent and school readiness program provider at least 2 weeks
1533 before disenrollment to provide adequate time for the parent to
1534 arrange alternative care for the child. However, an at-risk



CS/HB 7165, Engrossed 1

2013

1535 child may not be disenrolled from the program without the
1536 written approval of the Child Welfare Program Office of the
1537 Department of Children and Families or the community-based lead
1538 agency.

1539 (8) If a child is absent from the program for 5
1540 consecutive days without parental notification to the program of
1541 such absence, the school readiness program provider shall report
1542 the absence to the early learning coalition for a determination
1543 of the need for continued care.

1544 (9) Notwithstanding s. 39.604, a school readiness program
1545 provider, regardless of whether the provider is licensed, shall
1546 comply with the reporting requirements of the Rilya Wilson Act
1547 for each at-risk child under the age of school entry who is
1548 enrolled in the school readiness program.

1549 1002.88 School readiness program provider standards;
1550 eligibility to deliver the school readiness program.-

1551 (1) To be eligible to deliver the school readiness
1552 program, a school readiness program provider must:

1553 (a) Be a child care facility licensed under s. 402.305, a
1554 family day care home licensed or registered under s. 402.313, a
1555 large family child care home licensed under s. 402.3131, a
1556 public school or nonpublic school exempt from licensure under s.
1557 402.3025, a faith-based child care provider exempt from
1558 licensure under s. 402.316, a before-school or after-school
1559 program described in s. 402.305(1)(c), or an informal child care
1560 provider to the extent authorized in the state's Child Care and
1561 Development Fund Plan as approved by the United States
1562 Department of Health and Human Services pursuant to 45 C.F.R. s.



1563 98.18.

1564 (b) Provide instruction and activities to enhance the age-
1565 appropriate progress of each child in attaining the child
1566 development standards adopted by the office pursuant to s.
1567 1002.82(2)(j). A provider should include activities to foster
1568 brain development in infants and toddlers; provide an
1569 environment that is rich in language and music and filled with
1570 objects of various colors, shapes, textures, and sizes to
1571 stimulate visual, tactile, auditory, and linguistic senses; and
1572 include 30 minutes of reading to children each day.

1573 (c) Provide basic health and safety of its premises and
1574 facilities and compliance with requirements for age-appropriate
1575 immunizations of children enrolled in the school readiness
1576 program. For a child care facility, a large family child care
1577 home, or a licensed family day care home, compliance with s.
1578 402.305, s. 402.3131, or s. 402.313 satisfies this requirement.
1579 For a public or nonpublic school, compliance with s. 402.3025 or
1580 s. 1003.22 satisfies this requirement. A faith-based child care
1581 provider, an informal child care provider, or a nonpublic
1582 school, exempt from licensure under ss. 402.316 or 402.3025,
1583 shall annually complete the health and safety checklist adopted
1584 by the office, post the checklist prominently on its premises in
1585 plain sight for visitors and parents, and submit it annually to
1586 its local early learning coalition.

1587 (d) Provide an appropriate staff-to-children ratio,
1588 pursuant to s. 402.305(4) or s. 402.302(8) or (11), as
1589 applicable, and as verified pursuant to s. 402.311.



CS/HB 7165, Engrossed 1

2013

1590 (e) Provide a healthy and safe environment pursuant to s.
1591 402.305(5), (6), and (7), as applicable, and as verified
1592 pursuant to s. 402.311.

1593 (f) Implement one of the curricula approved by the office
1594 that meets the child development standards.

1595 (g) Implement a character development program to develop
1596 basic values.

1597 (h) Collaborate with the respective early learning
1598 coalition to complete initial screening for each child, aged 6
1599 weeks to kindergarten eligibility, within 45 days after the
1600 child's first or subsequent enrollment, to identify a child who
1601 may need individualized supports.

1602 (i) Implement minimum standards for child discipline
1603 practices that are age-appropriate and consistent with the
1604 requirements in s. 402.305(12). Such standards must provide that
1605 children not be subjected to discipline that is severe,
1606 humiliating, or frightening or discipline that is associated
1607 with food, rest, or toileting. Spanking or any other form of
1608 physical punishment is prohibited.

1609 (j) Obtain and keep on file record of the child's
1610 immunizations, physical development, and other health
1611 requirements as necessary, including appropriate vision and
1612 hearing screening and examination, within 30 days after
1613 enrollment.

1614 (k) Implement before-school or after-school programs that
1615 meet or exceed the requirements of s. 402.305(5), (6), and (7).

1616 (l) For a provider that is not an informal provider,
1617 maintain general liability insurance and provide the coalition



1618 with written evidence of general liability insurance coverage,
1619 including coverage for transportation of children if school
1620 readiness program children are transported by the provider. A
1621 provider must obtain and retain an insurance policy that
1622 provides a minimum of \$100,000 of coverage per occurrence and a
1623 minimum of \$300,000 general aggregate coverage. The office may
1624 authorize lower limits upon request, as appropriate. A provider
1625 must add the coalition as a named certificateholder and as an
1626 additional insured. A provider must provide the coalition with a
1627 minimum of 10 calendar days' advance written notice of
1628 cancellation of or changes to coverage. The general liability
1629 insurance required by this paragraph must remain in full force
1630 and effect for the entire period of the provider contract with
1631 the coalition.

1632 (m) For a provider that is an informal provider, comply
1633 with the provisions of paragraph (l) or maintain homeowner's
1634 liability insurance and, if applicable, a business rider. If an
1635 informal provider chooses to maintain a homeowner's policy, the
1636 provider must obtain and retain a homeowner's insurance policy
1637 that provides a minimum of \$100,000 of coverage per occurrence
1638 and a minimum of \$300,000 general aggregate coverage. The office
1639 may authorize lower limits upon request, as appropriate. An
1640 informal provider must add the coalition as a named
1641 certificateholder and as an additional insured. An informal
1642 provider must provide the coalition with a minimum of 10
1643 calendar days' advance written notice of cancellation of or
1644 changes to coverage. The general liability insurance required by
1645 this paragraph must remain in full force and effect for the



1646 entire period of the provider's contract with the coalition.

1647 (n) Obtain and maintain any required workers' compensation
1648 insurance under chapter 440 and any required reemployment
1649 assistance or unemployment compensation coverage under chapter
1650 443.

1651 (o) Notwithstanding paragraph (l), for a provider that is
1652 a state agency or a subdivision thereof, as defined in s.
1653 768.28(2), agree to notify the coalition of any additional
1654 liability coverage maintained by the provider in addition to
1655 that otherwise established under s. 768.28. The provider shall
1656 indemnify the coalition to the extent permitted by s. 768.28.

1657 (p) Execute the standard statewide provider contract
1658 adopted by the office.

1659 (q) Operate on a full-time and part-time basis and provide
1660 extended-day and extended-year services to the maximum extent
1661 possible without compromising the quality of the program to meet
1662 the needs of parents who work.

1663 (2) If a school readiness program provider fails or
1664 refuses to comply with this part or any contractual obligation
1665 of the statewide provider contract under s. 1002.82(2)(m), the
1666 coalition may revoke the provider's eligibility to deliver the
1667 school readiness program or receive state or federal funds under
1668 this chapter for a period of 5 years.

1669 (3) The office and the coalitions may not:

1670 (a) Impose any requirement on a child care provider or
1671 early childhood education provider that does not deliver
1672 services under the school readiness program or receive state or
1673 federal funds under this part;



1674 (b) Impose any requirement on a school readiness program
 1675 provider that exceeds the authority provided under this part or
 1676 part V of this chapter or rules adopted pursuant to this part or
 1677 part V of this chapter; or

1678 (c) Require a provider to administer a preassessment or
 1679 postassessment.

1680 1002.89 School readiness program; funding.—

1681 (1) Funding for the school readiness program shall be
 1682 allocated among the early learning coalitions in accordance with
 1683 this section and the General Appropriations Act.

1684 (2) The office shall administer school readiness program
 1685 funds and prepare and submit a unified budget request for the
 1686 school readiness program in accordance with chapter 216.

1687 (3) All instructions to early learning coalitions for
 1688 administering this section shall emanate from the office in
 1689 accordance with the policies of the Legislature.

1690 (4) All cost savings and all revenues received through a
 1691 mandatory sliding fee scale shall be used to increase the number
 1692 of children served.

1693 (5) All state, federal, and local matching funds provided
 1694 to an early learning coalition for purposes of this section
 1695 shall be used for implementation of its approved school
 1696 readiness program plan, including the hiring of staff to
 1697 effectively operate the school readiness program.

1698 (6) Costs shall be kept to the minimum necessary for the
 1699 efficient and effective administration of the school readiness
 1700 program with the highest priority of expenditure being direct
 1701 services for eligible children. However, no more than 5 percent



1702 of the funds described in subsection (5) may be used for
1703 administrative costs and, except as otherwise specified in the
1704 General Appropriations Act, for the 2013-2014 fiscal year no
1705 more than 22 percent, for the 2014-2015 fiscal year no more than
1706 20 percent, and for the 2015-2016 fiscal year and thereafter no
1707 more than 18 percent of the funds described in subsection (5)
1708 may be used for any combination of administrative costs, quality
1709 activities, and nondirect services as follows:

1710 (a) Administrative costs as described in 45 C.F.R. s.
1711 98.52, which shall include monitoring providers using the
1712 standard methodology adopted under s. 1002.82 to improve
1713 compliance with state and federal regulations and law pursuant
1714 to the requirements of the statewide provider contract adopted
1715 under s. 1002.82(2)(m).

1716 (b) Activities to improve the quality of child care as
1717 described in 45 C.F.R. s. 98.51, which shall be limited to the
1718 following:

1719 1. Developing, establishing, expanding, operating, and
1720 coordinating resource and referral programs specifically related
1721 to the provision of comprehensive consumer education to parents
1722 and the public regarding participation in the school readiness
1723 program and parental choice.

1724 2. Awarding grants to school readiness program providers
1725 to assist them in meeting applicable state requirements for
1726 child care performance standards, implementing developmentally
1727 appropriate curricula and related classroom resources that
1728 support curricula, providing literacy supports, and providing
1729 professional development. Any grants awarded pursuant to this



1730 subparagraph shall comply with the requirements of ss. 215.971
1731 and 287.058.

1732 3. Providing training and technical assistance for school
1733 readiness program providers, staff, and parents on standards,
1734 child screenings, child assessments, developmentally appropriate
1735 curricula, character development, teacher-child interactions,
1736 age-appropriate discipline practices, health and safety,
1737 nutrition, first aid, the recognition of communicable diseases,
1738 and child abuse detection and prevention.

1739 4. Providing from among the funds provided for the
1740 activities described in subparagraphs 1.-3., adequate funding
1741 for infants and toddlers as necessary to meet federal
1742 requirements related to expenditures for quality activities for
1743 infant and toddler care.

1744 5. Improving the monitoring of compliance with, and
1745 enforcement of, applicable state and local requirements as
1746 described in and limited by 45 C.F.R. s. 98.40.

1747 6. Responding to Warm-Line requests by providers and
1748 parents related to school readiness program children, including
1749 providing developmental and health screenings to school
1750 readiness program children.

1751 (c) Nondirect services as described in applicable Office
1752 of Management and Budget instructions are those services not
1753 defined as administrative, direct, or quality services that are
1754 required to administer the school readiness program. Such
1755 services include, but are not limited to:

1756 1. Assisting families to complete the required application
1757 and eligibility documentation.



- 1758 | 2. Determining child and family eligibility.
- 1759 | 3. Recruiting eligible child care providers.
- 1760 | 4. Processing and tracking attendance records.
- 1761 | 5. Developing and maintaining a statewide child care
- 1762 | information system.

1763 |

1764 | As used in this paragraph, the term "nondirect services" does

1765 | not include payments to school readiness program providers for

1766 | direct services provided to children who are eligible under s.

1767 | 1002.87, administrative costs as described in paragraph (a), or

1768 | quality activities as described in paragraph (b).

1769 | (7) Funds appropriated for the school readiness program

1770 | may not be expended for the purchase or improvement of land, for

1771 | the purchase, construction, or permanent improvement of any

1772 | building or facility, or for the purchase of buses. However,

1773 | funds may be expended for minor remodeling and upgrading child

1774 | care facilities to ensure that providers meet state and local

1775 | child care standards, including applicable health and safety

1776 | requirements.

1777 | 1002.895 Market rate schedule.—The school readiness

1778 | program market rate schedule shall be implemented as follows:

1779 | (1) The office shall establish procedures for the adoption

1780 | of a market rate schedule. The schedule must include, at a

1781 | minimum, county-by-county rates:

1782 | (a) The market rate, including the minimum and the maximum

1783 | rates for child care providers that hold a Gold Seal Quality

1784 | Care designation under s. 402.281.

1785 | (b) The market rate for child care providers that do not



1786 hold a Gold Seal Quality Care designation.

1787 (2) The market rate schedule, at a minimum, must:

1788 (a) Differentiate rates by type, including, but not

1789 limited to, a child care provider that holds a Gold Seal Quality

1790 Care designation under s. 402.281, a child care facility

1791 licensed under s. 402.305, a public or nonpublic school exempt

1792 from licensure under s. 402.3025, a faith-based child care

1793 facility exempt from licensure under s. 402.316 that does not

1794 hold a Gold Seal Quality Care designation, a large family child

1795 care home licensed under s. 402.3131, or a family day care home

1796 licensed or registered under s. 402.313.

1797 (b) Differentiate rates by the type of child care services

1798 provided for children with special needs or risk categories,

1799 infants, toddlers, preschool-age children, and school-age

1800 children.

1801 (c) Differentiate rates between full-time and part-time

1802 child care services.

1803 (d) Consider discounted rates for child care services for

1804 multiple children in a single family.

1805 (3) The market rate schedule must be based exclusively on

1806 the prices charged for child care services.

1807 (4) The market rate schedule shall be considered by an

1808 early learning coalition in the adoption of a payment schedule.

1809 The payment schedule must take into consideration the average

1810 market rate, include the projected number of children to be

1811 served, and be submitted for approval by the office. Informal

1812 child care arrangements shall be reimbursed at not more than 50

1813 percent of the rate adopted for a family day care home.



1814 (5) The office may contract with one or more qualified
 1815 entities to administer this section and provide support and
 1816 technical assistance for child care providers.

1817 (6) The office may adopt rules for establishing procedures
 1818 for the collection of child care providers' market rate, the
 1819 calculation of the average market rate by program care level and
 1820 provider type in a predetermined geographic market, and the
 1821 publication of the market rate schedule.

1822 1002.91 Investigations of fraud or overpayment;
 1823 penalties.—

1824 (1) As used in this subsection, the term "fraud" means an
 1825 intentional deception, omission, or misrepresentation made by a
 1826 person with knowledge that the deception, omission, or
 1827 misrepresentation may result in unauthorized benefit to that
 1828 person or another person, or any aiding and abetting of the
 1829 commission of such an act. The term includes any act that
 1830 constitutes fraud under applicable federal or state law.

1831 (2) To recover state, federal, and local matching funds,
 1832 the office shall investigate early learning coalitions,
 1833 recipients, and providers of the school readiness program and
 1834 the Voluntary Prekindergarten Education Program to determine
 1835 possible fraud or overpayment. If by its own inquiries, or as a
 1836 result of a complaint, the office has reason to believe that a
 1837 person, coalition, or provider has engaged in, or is engaging
 1838 in, a fraudulent act, it shall investigate and determine whether
 1839 any overpayment has occurred due to the fraudulent act. During
 1840 the investigation, the office may examine all records, including
 1841 electronic benefits transfer records, and make inquiry of all



1842 persons who may have knowledge as to any irregularity incidental
1843 to the disbursement of public moneys or other items or benefits
1844 authorizations to recipients.

1845 (3) Based on the results of the investigation, the office
1846 may, in its discretion, refer the investigation to the
1847 Department of Financial Services for criminal investigation or
1848 refer the matter to the applicable coalition. Any suspected
1849 criminal violation identified by the office must be referred to
1850 the Department of Financial Services for criminal investigation.

1851 (4) An early learning coalition may suspend or terminate a
1852 provider from participation in the school readiness program or
1853 the Voluntary Prekindergarten Education Program when it has
1854 reasonable cause to believe that the provider has committed
1855 fraud. The office shall adopt by rule appropriate due process
1856 procedures that the early learning coalition shall apply in
1857 suspending or terminating any provider, including the suspension
1858 or termination of payment. If suspended, the provider shall
1859 remain suspended until the completion of any investigation by
1860 the office, the Department of Financial Services, or any other
1861 state or federal agency, and any subsequent prosecution or other
1862 legal proceeding.

1863 (5) If a school readiness program provider or a Voluntary
1864 Prekindergarten Education Program provider, or an owner,
1865 officer, or director thereof, is convicted of, found guilty of,
1866 or pleads guilty or nolo contendere to, regardless of
1867 adjudication, public assistance fraud pursuant to s. 414.39, or
1868 is acting as the beneficial owner for someone who has been
1869 convicted of, found guilty of, or pleads guilty or nolo



1870 contendere to, regardless of adjudication, public assistance
 1871 fraud pursuant to s. 414.39, the early learning coalition shall
 1872 refrain from contracting with, or using the services of, that
 1873 provider for a period of 5 years. In addition, the coalition
 1874 shall refrain from contracting with, or using the services of,
 1875 any provider that shares an officer or director with a provider
 1876 that is convicted of, found guilty of, or pleads guilty or nolo
 1877 contendere to, regardless of adjudication, public assistance
 1878 fraud pursuant to s. 414.39 for a period of 5 years.

1879 (6) If the investigation is not confidential or otherwise
 1880 exempt from disclosure by law, the results of the investigation
 1881 may be reported by the office to the appropriate legislative
 1882 committees, the Department of Children and Families, and such
 1883 other persons as the office deems appropriate.

1884 (7) The early learning coalition may not contract with a
 1885 school readiness program provider or a Voluntary Prekindergarten
 1886 Education Program provider who is on the United States
 1887 Department of Agriculture National Disqualified List. In
 1888 addition, the coalition may not contract with any provider that
 1889 shares an officer or director with a provider that is on the
 1890 United States Department of Agriculture National Disqualified
 1891 List.

1892 (8) Each early learning coalition shall adopt an anti-
 1893 fraud plan addressing the detection and prevention of
 1894 overpayments, abuse, and fraud relating to the provision of and
 1895 payment for school readiness program and Voluntary
 1896 Prekindergarten Education Program services and submit the plan
 1897 to the office for approval. The office shall adopt rules



1898 establishing criteria for the anti-fraud plan, including
 1899 appropriate due process provisions. The anti-fraud plan must
 1900 include, at a minimum:

1901 (a) A written description or chart outlining the
 1902 organizational structure of the plan's personnel who are
 1903 responsible for the investigation and reporting of possible
 1904 overpayment, abuse, or fraud.

1905 (b) A description of the plan's procedures for detecting
 1906 and investigating possible acts of fraud, abuse, or overpayment.

1907 (c) A description of the plan's procedures for the
 1908 mandatory reporting of possible overpayment, abuse, or fraud to
 1909 the Office of Inspector General within the office.

1910 (d) A description of the plan's program and procedures for
 1911 educating and training personnel on how to detect and prevent
 1912 fraud, abuse, and overpayment.

1913 (e) A description of the plan's procedures, including the
 1914 appropriate due process provisions adopted by the office for
 1915 suspending or terminating from the school readiness program or
 1916 the Voluntary Prekindergarten Education Program a recipient or
 1917 provider who the early learning coalition believes has committed
 1918 fraud.

1919 (9) A person who commits an act of fraud as defined in
 1920 this section is subject to the penalties provided in s.
 1921 414.39(5)(a) and (b).

1922 1002.92 Child care and early childhood resource and
 1923 referral.—

1924 (1) As a part of the school readiness program, the office
 1925 shall establish a statewide child care resource and referral



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

1936 (2) At least one child care resource and referral agency
1937 must be established in each early learning coalition's county or
1938 multicounty region. The office shall adopt rules regarding
1939 accessibility of child care resource and referral services
1940 offered through child care resource and referral agencies in
1941 each county or multicounty region which include, at a minimum,
1942 required hours of operation, methods by which parents may
1943 request services, and child care resource and referral staff
1944 training requirements.

1945 (3) Child care resource and referral agencies shall
1946 provide the following services:

1947 (a) Identification of existing public and private child
1948 care and early childhood education services, including child
1949 care services by public and private employers, and the
1950 development of a resource file of those services through the
1951 single statewide information system developed by the office
1952 under s. 1002.82(2)(n). These services may include family day
1953 care, public and private child care programs, the Voluntary



1954 Prekindergarten Education Program, Head Start, the school
1955 readiness program, special education programs for
1956 prekindergarten children with disabilities, services for
1957 children with developmental disabilities, full-time and part-
1958 time programs, before-school and after-school programs, vacation
1959 care programs, parent education, the temporary cash assistance
1960 program, and related family support services. The resource file
1961 shall include, but not be limited to:

- 1962 1. Type of program.
- 1963 2. Hours of service.
- 1964 3. Ages of children served.
- 1965 4. Number of children served.
- 1966 5. Program information.
- 1967 6. Fees and eligibility for services.
- 1968 7. Availability of transportation.

1969 (b) Establishment of a referral process that responds to
1970 parental need for information and that is provided with full
1971 recognition of the confidentiality rights of parents. The
1972 resource and referral network shall make referrals to legally
1973 operating child care facilities. Referrals may not be made to a
1974 child care facility that is operating illegally.

1975 (c) Maintenance of ongoing documentation of requests for
1976 service tabulated through the internal referral process through
1977 the single statewide information system. The following
1978 documentation of requests for service shall be maintained by the
1979 child care resource and referral network:

- 1980 1. Number of calls and contacts to the child care resource
1981 information and referral network component by type of service



1982 requested.

1983 2. Ages of children for whom service was requested.

1984 3. Time category of child care requests for each child.

1985 4. Special time category, such as nights, weekends, and

1986 swing shift.

1987 5. Reason that the child care is needed.

1988 6. Name of the employer and primary focus of the business

1989 for an employer based child care program.

1990 (d) Provision of technical assistance to existing and

1991 potential providers of child care services. This assistance may

1992 include:

1993 1. Information on initiating new child care services,

1994 zoning, and program and budget development and assistance in

1995 finding such information from other sources.

1996 2. Information and resources which help existing child

1997 care services providers to maximize their ability to serve

1998 children and parents in their community.

1999 3. Information and incentives that may help existing or

2000 planned child care services offered by public or private

2001 employers seeking to maximize their ability to serve the

2002 children of their working parent employees in their community,

2003 through contractual or other funding arrangements with

2004 businesses.

2005 (e) Assistance to families and employers in applying for

2006 various sources of subsidy, including, but not limited to, the

2007 Voluntary Prekindergarten Education Program, the school

2008 readiness program, Head Start, Project Independence, private

2009 scholarships, and the federal child and dependent care tax



2010 credit.

2011 (f) Assistance to families to negotiate discounts or other

2012 special arrangements with child care providers.

2013 (g) Assistance to families in identifying summer

2014 recreation camp and summer day camp programs to help families

2015 make informed choice. Contingent upon specific appropriation, a

2016 checklist of important health and safety qualities that parents

2017 can use to choose their summer camp programs shall be developed

2018 and distributed in a manner that will reach parents interested

2019 in such programs for their children.

2020 (h) Assistance to families for accessing local community

2021 resources.

2022 (4) A child care facility licensed under s. 402.305 and

2023 licensed and registered family day care homes must provide the

2024 statewide child care and resource and referral network with the

2025 following information annually:

2026 (a) Type of program.

2027 (b) Hours of service.

2028 (c) Ages of children served.

2029 (d) Fees and eligibility for services.

2030 1002.93 School readiness program transportation services.-

2031 (1) The office may authorize an early learning coalition

2032 to establish school readiness program transportation services

2033 for children at risk of abuse or neglect who are participating

2034 in the school readiness program, pursuant to chapter 427. The

2035 early learning coalitions may contract for the provision of

2036 transportation services as required by this section.

2037 (2) The transportation servicers may only provide



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

2044 1002.94 Child Care Executive Partnership Program.—

2045 (1) There is created a body politic and corporate known as
 2046 the Child Care Executive Partnership which shall establish and
 2047 govern the Child Care Executive Partnership Program. The purpose
 2048 of the Child Care Executive Partnership Program is to use state
 2049 and federal funds as incentives for matching local funds derived
 2050 from local governments, employers, charitable foundations, and
 2051 other sources so that Florida communities may create local
 2052 flexible partnerships with employers. The Child Care Executive
 2053 Partnership Program funds shall be used at the discretion of
 2054 local communities to meet the needs of working parents. A child
 2055 care purchasing pool shall be developed with the state, federal,
 2056 and local funds to provide subsidies to low-income working
 2057 parents whose family income does not exceed the allowable income
 2058 for any federally subsidized child care program with a dollar-
 2059 for-dollar match from employers, local government, and other
 2060 matching contributions. The funds used from the child care
 2061 purchasing pool must be used to supplement or extend the use of
 2062 existing public or private funds for direct services.

2063 (2) The Child Care Executive Partnership, staffed by the
 2064 office, shall consist of a representative of the Executive
 2065 Office of the Governor and nine members of the corporate or



2066 child care community, appointed by the Governor.

2067 (a) Members shall serve for a period of 4 years, except
2068 that the representative of the Executive Office of the Governor
2069 shall serve at the pleasure of the Governor.

2070 (b) The Child Care Executive Partnership shall be chaired
2071 by a member chosen by a majority vote and shall meet at least
2072 quarterly and at other times upon the call of the chair. The
2073 Child Care Executive Partnership may use any method of
2074 telecommunications to conduct meetings, including establishing a
2075 quorum through telecommunications, only if the public is given
2076 proper notice of a telecommunications meeting and reasonable
2077 access to observe and, when appropriate, participate.

2078 (c) Members shall serve without compensation, but may be
2079 reimbursed for per diem and travel expenses in accordance with
2080 s. 112.061.

2081 (d) The Child Care Executive Partnership shall have all
2082 the powers and authority, not explicitly prohibited by law,
2083 necessary to carry out and effectuate the purposes of this
2084 section, as well as the functions, duties, and responsibilities
2085 of the partnership, including, but not limited to, the
2086 following:

2087 1. Making recommendations concerning the implementation
2088 and coordination of the school readiness program.

2089 2. Soliciting, accepting, receiving, investing, and
2090 expending funds from public or private sources.

2091 3. Contracting with public or private entities as
2092 necessary.

2093 4. Approving an annual budget.



CS/HB 7165, Engrossed 1

2013

2094 5. Providing a report to the Governor, the Speaker of the
2095 House of Representatives, and the President of the Senate on or
2096 before December 1 of each year.

2097
2098 Notwithstanding this subsection, the corporate body politic
2099 previously established by prior law is the corporate body
2100 politic for purposes of this section and shall continue in
2101 existence. All member terms of the existing corporate body
2102 politic expire as of June 30, 2013, and new members shall be
2103 appointed beginning July 1, 2013, in accordance with this
2104 subsection.

2105 (3) (a) The Legislature shall annually determine the amount
2106 of state or federal low-income child care moneys which shall be
2107 used to create Child Care Executive Partnership Program child
2108 care purchasing pools in counties chosen by the Child Care
2109 Executive Partnership provided that at least two of the counties
2110 have populations of no more than 300,000. The Legislature shall
2111 annually review the effectiveness of the child care purchasing
2112 pool program and reevaluate the percentage of additional state
2113 or federal funds, if any, which can be used for the program's
2114 expansion.

2115 (b) To ensure a seamless service delivery and ease of
2116 access for families, the office shall administer the child care
2117 purchasing pool funds.

2118 (c) The office, in conjunction with the Child Care
2119 Executive Partnership, shall develop procedures for disbursement
2120 of funds through the child care purchasing pools. In order to be
2121 considered for funding, an early learning coalition or the



CS/HB 7165, Engrossed 1

2013

2122 office must commit to:

2123 1. Matching the state purchasing pool funds on a dollar-
2124 for-dollar basis.

2125 2. Expending only those public funds that are matched by
2126 employers, local government, and other matching contributors who
2127 contribute to the purchasing pool. Parents shall also pay a fee,
2128 which may not be less than the amount identified in the early
2129 learning coalition's school readiness program sliding fee scale.

2130 (d) Each early learning coalition shall establish a
2131 community child care task force for each child care purchasing
2132 pool. The task force must be composed of employers, parents,
2133 private child care providers, and one representative from the
2134 local children's services council, if one exists in the area of
2135 the purchasing pool. The early learning coalition is expected to
2136 recruit the task force members from existing child care
2137 councils, commissions, or task forces already operating in the
2138 area of a purchasing pool. A majority of the task force shall
2139 consist of employers.

2140 (e) Each participating early learning coalition shall
2141 develop a plan for the use of child care purchasing pool funds.
2142 The plan must show how many children will be served by the
2143 purchasing pool, how many will be new to receiving child care
2144 services, and how the early learning coalition intends to
2145 attract new employers and their employees to the program.

2146 (4) The office may adopt any rules necessary for the
2147 implementation and administration of this section.

2148 1002.95 Teacher Education and Compensation Helps (TEACH)
2149 scholarship program.-



CS/HB 7165, Engrossed 1

2013

2150 (1) The office may contract for the administration of the
2151 Teacher Education and Compensation Helps (TEACH) scholarship
2152 program, which provides educational scholarships to caregivers
2153 and administrators of early childhood programs, family day care
2154 homes, and large family child care homes. The goal of the
2155 program is to increase the education and training for
2156 caregivers, increase the compensation for child caregivers who
2157 complete the program requirements, and reduce the rate of
2158 participant turnover in the field of early childhood education.

2159 (2) The office shall adopt rules as necessary to
2160 administer this section.

2161 1002.96 Early Head Start collaboration grants.-

2162 (1) Contingent upon specific appropriation, the office
2163 shall establish a program to award collaboration grants to
2164 assist local agencies in securing Early Head Start programs
2165 through Early Head Start program federal grants. The
2166 collaboration grants shall provide the required matching funds
2167 for public and private nonprofit agencies that have been
2168 approved for Early Head Start program federal grants.

2169 (2) Public and private nonprofit agencies providing Early
2170 Head Start programs applying for collaborative grants must:

2171 (a) Meet the requirements in the Head Start program
2172 performance standards and other applicable rules and
2173 regulations.

2174 (b) Collaborate with other service providers at the local
2175 level.

2176 (c) Provide a comprehensive array of health, nutritional,
2177 and other services to the program's pregnant women and very



2178 young children, and their families.

2179 (3) The office may adopt rules as necessary for the award
 2180 of collaboration grants to competing agencies and the
 2181 administration of the collaboration grants program under this
 2182 section.

2183 Section 18. Section 411.011, Florida Statutes, is
 2184 transferred, renumbered as section 1002.97, Florida Statutes,
 2185 and amended to read:

2186 1002.97 ~~411.011~~ Records of children in the school
 2187 readiness program ~~programs~~.

2188 (1) The individual records of children enrolled in the
 2189 school readiness program ~~programs~~ provided under this part ~~s.~~
 2190 ~~411.01~~, held by an early learning coalition or the office ~~of~~
 2191 ~~Early Learning~~, are confidential and exempt from s. 119.07(1)
 2192 and s. 24(a), Art. I of the State Constitution. For purposes of
 2193 this section, records include assessment data, health data,
 2194 records of teacher observations, and personal identifying
 2195 information.

2196 (2) A parent, ~~guardian, or individual acting as a parent~~
 2197 ~~in the absence of a parent or guardian~~ has the right to inspect
 2198 and review the individual school readiness program record of his
 2199 or her child and to obtain a copy of the record.

2200 (3) School readiness program records may be released to:

2201 (a) The United States Secretary of Education, the United
 2202 States Secretary of Health and Human Services, and the
 2203 Comptroller General of the United States for the purpose of
 2204 federal audits and investigations.

2205 (b) Individuals or organizations conducting studies for



2206 institutions to develop, validate, or administer assessments or
 2207 improve instruction.

2208 (c) Accrediting organizations in order to carry out their
 2209 accrediting functions.

2210 (d) Appropriate parties in connection with an emergency if
 2211 the information is necessary to protect the health or safety of
 2212 the child enrollee or other individuals.

2213 (e) The Office of Program Policy Analysis and Government
 2214 Accountability and the Auditor General in connection with their
 2215 ~~his or her~~ official functions.

2216 (f) A court of competent jurisdiction in compliance with
 2217 an order of that court in accordance with a lawfully issued
 2218 subpoena.

2219 (g) Parties to an interagency agreement among early
 2220 learning coalitions, local governmental agencies, providers of
 2221 the school readiness program ~~programs~~, state agencies, and the
 2222 office ~~of Early Learning~~ for the purpose of implementing the
 2223 school readiness program.

2224
 2225 Agencies, organizations, or individuals that receive school
 2226 readiness program records in order to carry out their official
 2227 functions must protect the data in a manner that does not permit
 2228 the personal identification of a child enrolled in a school
 2229 readiness program and his or her parent ~~parents~~ by persons other
 2230 than those authorized to receive the records.

2231 Section 19. Paragraph (p) of subsection (3) of section
 2232 11.45, Florida Statutes, is amended to read:

2233 11.45 Definitions; duties; authorities; reports; rules.—



2234 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 2235 Auditor General may, pursuant to his or her own authority, or at
 2236 the direction of the Legislative Auditing Committee, conduct
 2237 audits or other engagements as determined appropriate by the
 2238 Auditor General of:

2239 (p) The school readiness program system, including the
 2240 early learning coalitions, ~~created~~ under part VI of chapter 1002
 2241 ~~s. 411.01~~.

2242 Section 20. Paragraph (h) of subsection (3) of section
 2243 20.15, Florida Statutes, is amended to read:

2244 20.15 Department of Education.—There is created a
 2245 Department of Education.

2246 (3) DIVISIONS.—The following divisions of the Department
 2247 of Education are established:

2248 ~~(h) The Office of Early Learning, which shall administer~~
 2249 ~~the school readiness system in accordance with s. 411.01 and the~~
 2250 ~~operational requirements of the Voluntary Prekindergarten~~
 2251 ~~Education Program in accordance with part V of chapter 1002. The~~
 2252 ~~office is a separate budget entity and is not subject to~~
 2253 ~~control, supervision, or direction by the Department of~~
 2254 ~~Education or the State Board of Education in any manner~~
 2255 ~~including, but not limited to, personnel, purchasing,~~
 2256 ~~transactions involving personal property, and budgetary matters.~~
 2257 ~~The office director shall be appointed by the Governor and~~
 2258 ~~confirmed by the Senate, shall serve at the pleasure of the~~
 2259 ~~Governor, and shall be the agency head of the office for all~~
 2260 ~~purposes. The office shall enter into a service agreement with~~
 2261 ~~the department for professional, technological, and~~



2262 ~~administrative support services. The office shall be subject to~~
 2263 ~~review and oversight by the Chief Inspector General or his or~~
 2264 ~~her designee.~~

2265 Section 21. Paragraph (a) of subsection (8) of section
 2266 216.136, Florida Statutes, is amended to read:

2267 216.136 Consensus estimating conferences; duties and
 2268 principals.—

2269 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

2270 (a) The Early Learning Programs Estimating Conference
 2271 shall develop estimates and forecasts of the unduplicated count
 2272 of children eligible for the school readiness program ~~programs~~
 2273 in accordance with the standards of eligibility established in
 2274 s. 1002.87 ~~411.01(6)~~, and of children eligible for the Voluntary
 2275 Prekindergarten Education Program in accordance with s.
 2276 1002.53(2), as the conference determines are needed to support
 2277 the state planning, budgeting, and appropriations processes.

2278 Section 22. Paragraph (b) of subsection (1) and subsection
 2279 (3) of section 402.281, Florida Statutes, are amended to read:

2280 402.281 Gold Seal Quality Care program.—

2281 (1)

2282 (b) A child care facility, large family child care home,
 2283 or family day care home that is accredited by an ~~a nationally~~
 2284 ~~recognized~~ accrediting association approved by the department
 2285 under subsection (3) and meets all other requirements shall,
 2286 upon application to the department, receive a separate "Gold
 2287 Seal Quality Care" designation.

2288 (3) (a) In order to be approved by the department for
 2289 participation in the Gold Seal Quality Care program, an



2290 | accrediting association must apply to the department and
 2291 | demonstrate that it:

- 2292 | 1. Is a ~~nationally~~ recognized accrediting association.
- 2293 | 2. Has accrediting standards that substantially meet or
 2294 | exceed the Gold Seal Quality Care standards adopted by the
 2295 | department under subsection (2).

2296 | (b) In approving accrediting associations, the department
 2297 | shall consult with the Department of Education, the Florida Head
 2298 | Start Directors Association, the Florida Association of Child
 2299 | Care Management, the Florida Family Child Day Care Home
 2300 | Association, the Florida Children's Forum, the Florida
 2301 | Association for the Education of the Young ~~Early Childhood~~
 2302 | Association of Florida, the Child Development Education
 2303 | Alliance, the Florida Association of Academic Nonpublic Schools,
 2304 | the Association of Early Learning Coalitions, providers
 2305 | receiving exemptions under s. 402.316, and parents.

2306 | Section 23. Subsection (9) of section 402.302, Florida
 2307 | Statutes, is amended to read:

2308 | 402.302 Definitions.—As used in this chapter, the term:

2309 | (9) "Household children" means children who are related by
 2310 | blood, marriage, or legal adoption to, or who are the legal
 2311 | wards of, the family day care home operator, the large family
 2312 | child care home operator, or an adult household member who
 2313 | permanently or temporarily resides in the home. Supervision of
 2314 | the operator's household children shall be left to the
 2315 | discretion of the operator unless those children receive
 2316 | subsidized child care through the school readiness program
 2317 | pursuant to s. 1002.92 ~~411.0101~~ to be in the home.



2318 Section 24. Paragraph (c) of subsection (1) of section
 2319 402.305, Florida Statutes, is amended to read:

2320 402.305 Licensing standards; child care facilities.—

2321 (1) LICENSING STANDARDS.—The department shall establish
 2322 licensing standards that each licensed child care facility must
 2323 meet regardless of the origin or source of the fees used to
 2324 operate the facility or the type of children served by the
 2325 facility.

2326 (c) The minimum standards for child care facilities shall
 2327 be adopted in the rules of the department and shall address the
 2328 areas delineated in this section. The department, in adopting
 2329 rules to establish minimum standards for child care facilities,
 2330 shall recognize that different age groups of children may
 2331 require different standards. The department may adopt different
 2332 minimum standards for facilities that serve children in
 2333 different age groups, including school-age children. The
 2334 department shall also adopt by rule a definition for child care
 2335 which distinguishes between child care programs that require
 2336 child care licensure and after-school programs that do not
 2337 require licensure. Notwithstanding any other provision of law to
 2338 the contrary, minimum child care licensing standards shall be
 2339 developed to provide for reasonable, affordable, and safe
 2340 before-school and after-school care. After-school programs that
 2341 otherwise meet the criteria for exclusion from licensure may
 2342 provide snacks and meals through the federal Afterschool Meal
 2343 Program (AMP) administered by the Department of Health in
 2344 accordance with federal regulations and standards. The
 2345 Department of Health shall consider meals to be provided through



2346 the AMP only if the program is actively participating in the
2347 AMP, is in good standing with the department, and the meals meet
2348 AMP requirements. Standards, at a minimum, shall allow for a
2349 credentialed director to supervise multiple before-school and
2350 after-school sites.

2351 Section 25. Paragraph (c) of subsection (1) and subsection
2352 (4) of section 445.023, Florida Statutes, are amended to read:

2353 445.023 Program for dependent care for families with
2354 children with special needs.—

2355 (1) There is created the program for dependent care for
2356 families with children with special needs. This program is
2357 intended to provide assistance to families with children who
2358 meet the following requirements:

2359 (c) The family meets the income guidelines established
2360 under s. 1002.87 ~~411.01(6)~~, notwithstanding any financial
2361 eligibility criteria to the contrary in s. 414.075, s. 414.085,
2362 or s. 414.095.

2363 (4) In addition to school readiness program services
2364 provided under part VI of chapter 1002 ~~s. 411.01~~, dependent care
2365 may be provided for children age 13 years and older who are in
2366 need of care due to disability and where such care is needed for
2367 the parent to accept or continue employment or otherwise
2368 participate in work activities. The amount of subsidy shall be
2369 consistent with the rates for special needs child care
2370 established by the department. Dependent care needed for
2371 employment may be provided as transitional services for up to 2
2372 years after eligibility for temporary cash assistance ends.

2373 Section 26. Paragraph (a) of subsection (2) of section



2374 490.014, Florida Statutes, is amended to read:

2375 490.014 Exemptions.—

2376 (2) No person shall be required to be licensed or
 2377 provisionally licensed under this chapter who:

2378 (a) Is a salaried employee of a government agency; a
 2379 developmental disability facility or program; a mental health,
 2380 alcohol, or drug abuse facility operating under chapter 393,
 2381 chapter 394, or chapter 397; the statewide child care resource
 2382 and referral network operating under s. 1002.92 ~~411.0101~~; a
 2383 child-placing or child-caring agency licensed pursuant to
 2384 chapter 409; a domestic violence center certified pursuant to
 2385 chapter 39; an accredited academic institution; or a research
 2386 institution, if such employee is performing duties for which he
 2387 or she was trained and hired solely within the confines of such
 2388 agency, facility, or institution, so long as the employee is not
 2389 held out to the public as a psychologist pursuant to s.

2390 490.012(1)(a).

2391 Section 27. Paragraph (a) of subsection (4) of section
 2392 491.014, Florida Statutes, is amended to read:

2393 491.014 Exemptions.—

2394 (4) No person shall be required to be licensed,
 2395 provisionally licensed, registered, or certified under this
 2396 chapter who:

2397 (a) Is a salaried employee of a government agency; a
 2398 developmental disability facility or program; a mental health,
 2399 alcohol, or drug abuse facility operating under chapter 393,
 2400 chapter 394, or chapter 397; the statewide child care resource
 2401 and referral network operating under s. 1002.92 ~~411.0101~~; a



CS/HB 7165, Engrossed 1

2013

2402 child-placing or child-caring agency licensed pursuant to
2403 chapter 409; a domestic violence center certified pursuant to
2404 chapter 39; an accredited academic institution; or a research
2405 institution, if such employee is performing duties for which he
2406 or she was trained and hired solely within the confines of such
2407 agency, facility, or institution, so long as the employee is not
2408 held out to the public as a clinical social worker, mental
2409 health counselor, or marriage and family therapist.

2410 Section 28. Paragraph (b) of subsection (1) of section
2411 1001.11, Florida Statutes, is amended to read:

2412 1001.11 Commissioner of Education; other duties.—

2413 (1) The Commissioner of Education must independently
2414 perform the following duties:

2415 (b) Serve as the primary source of information to the
2416 Legislature, including the President of the Senate and the
2417 Speaker of the House of Representatives, concerning the State
2418 Board of Education, ~~and~~ the K-20 education system, and early
2419 learning programs.

2420 Section 29. Sections 411.01, 411.0101, 411.01013,
2421 411.01014, 411.01015, 411.0102, 411.0103, 411.0104, 411.0105,
2422 and 411.0106, Florida Statutes, are repealed.

2423 Section 30. Within existing Senior Management Service and
2424 Selected Exempt Service positions authorized for the Office of
2425 Early Learning, a Senior Management Service position for a
2426 general counsel and a Selected Exempt Service position for an
2427 inspector general are authorized for the office.

2428 Section 31. By October 1, 2013, the Office of Early
2429 Learning, in collaboration with the Commissioner of Education,



CS/HB 7165, Engrossed 1

2013

2430 | shall develop a reorganization plan for the office. The plan
2431 | shall include any changes made prior to July 1, 2013; personnel,
2432 | purchasing, and budgetary matters and their alignment with the
2433 | duties and responsibilities of the office; a report of all
2434 | outstanding contractual obligations; and recommendations for
2435 | statutory and budgetary changes. The plan shall be provided to
2436 | the Governor, the President of the Senate, and the Speaker of
2437 | the House of Representatives.

2438 | Section 32. This act shall take effect July 1, 2013.