House



LEGISLATIVE ACTION

Senate

Floor: 3/AD/3R 05/02/2014 09:46 PM

Senator Legg moved the following: Senate Amendment (with title amendment) 1 2 3 Delete lines 1438 - 2037 4 and insert: 5 Section 23. Paragraph (f) of subsection (1) and subsections (8) and (16) of section 1002.81, Florida Statutes, are amended 6 to read: 7 8 1002.81 Definitions.-Consistent with the requirements of 45 9 C.F.R. parts 98 and 99 and as used in this part, the term: 10 (1) "At-risk child" means:

(f) A child in the custody of a parent who is considered



12 homeless as verified by a designated lead agency on the homeless 13 assistance continuum of care established under ss. 420.622-14 420.624 Department of Children and Families certified homeless 15 shelter. (8) "Family income" means the combined gross income, 16

17 whether earned or unearned, that is derived from any source by 18 all family or household members who are 18 years of age or older 19 who are currently residing together in the same dwelling unit. 20 The term does not include:

(a) Income earned by a currently enrolled high school 21 22 student who, since attaining the age of 18 years, or a student 23 with a disability who, since attaining the age of 22 years, has 24 not terminated school enrollment or received a high school 25 diploma, high school equivalency diploma, special diploma, or 26 certificate of high school completion.

(b) Income earned by a teen parent residing in the same residence as a separate family unit.

(c) Selected items from the state's Child Care and Development Fund Plan, such as The term also does not include food stamp benefits, documented child support and alimony payments paid out of the home, or federal housing assistance payments issued directly to a landlord or the associated utilities expenses.

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(16) "Working family" means:

(a) A single-parent family in which the parent with whom the child resides is employed or engaged in eligible work or education activities for at least 20 hours per week or is exempt 39 from work requirements due to age or disability, as determined and documented by a physician licensed under chapter 458 or 40

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42 (b) A two-parent family in which both parents with whom the child resides are employed or engaged in eligible work or 43 education activities for a combined total of at least 40 hours 44 45 per week; or

(c) A two-parent family in which one of the parents with 46 47 whom the child resides is exempt from work requirements due to age or disability, as determined and documented by a physician 48 49 licensed under chapter 458 or chapter 459, and one parent is 50 employed or engaged in eligible work or education activities at 51 least 20 hours per week; or

(d) A two-parent family in which both of the parents with whom the child resides are exempt from work requirements due to age or disability, as determined and documented by a physician licensed under chapter 458 or chapter 459.

Section 24. Paragraphs (b), (j), (m), and (p) of subsection (2) of section 1002.82, Florida Statutes, are amended to read: 1002.82 Office of Early Learning; powers and duties.-

(2) The office shall:

(b) Preserve parental choice by permitting parents to choose from a variety of child care categories authorized in s. 1002.88(1)(a), including center based care, family child care, and informal child care to the extent authorized in the state's Child Care and Development Fund Plan as approved by the United States Department of Health and Human Services pursuant to 45 C.F.R. s. 98.18. Care and curriculum by a faith-based provider may not be limited or excluded in any of these categories.

(j) Develop and adopt standards and benchmarks that address 69 the age-appropriate progress of children in the development of



70	school readiness skills. The standards for children from birth
71	to 5 years of age in the school readiness program must be
72	aligned with the performance standards adopted for children in
73	the Voluntary Prekindergarten Education Program and must address
74	the following domains:
75	1. Approaches to learning.
76	2. Cognitive development and general knowledge.
77	3. Numeracy, language, and communication.
78	4. Physical development.
79	5. Self-regulation.
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81	By July 1, 2015, the Office of Early Learning shall develop and
82	implement an online training course on the performance standards
83	for school readiness program provider personnel pursuant to this
84	paragraph.
85	(m) Adopt by rule a standard statewide provider contract to
86	be used with each school readiness program provider, with
87	standardized attachments by provider type. The office shall
88	publish a copy of the standard statewide provider contract on
89	its website. The standard statewide contract <u>must</u> shall include,
90	at a minimum, provisions that:
91	1. Govern for provider probation, termination for cause,
92	and emergency termination for those actions or inactions of a
93	provider that pose an immediate and serious danger to the
94	health, safety, or welfare of the children. The standard
95	statewide provider contract <u>must</u> shall also include appropriate
96	due process procedures. During the pendency of an appeal of a
97	termination, the provider may not continue to offer its
98	services.

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99 2. Require each provider that is eligible to provide the 100 program pursuant to s. 1002.88(1)(a) to conspicuously post violations, in an area visible to parents, on the premises, 101 102 pursuant to s. 402.3125(1)(b), and to post class I and class II 103 violations, as defined by rule of the Department of Children and 104 Families, which result in disciplinary action, on the provider's 105 Internet website, if available. Such postings must use simple 106 language to describe each violation with specificity and include 107 a copy of the citation and the contact information of the 108 Department of Children and Families or the local licensing 109 agency from which the parent may obtain additional information 110 regarding the citation. The provider must post such violations 111 within 24 hours after receipt of the citation. Additionally, 112 such provider shall post each inspection report on the premises 113 in an area visible to parents, which report must remain posted 114 until the next inspection report is available. 115 3. Specify that child care personnel employed by the 116

provider who are responsible for supervising children in care must be trained in developmentally appropriate practices aligned to the age and needs of children over which the personnel are assigned supervision duties. This requirement is met by completion of developmentally appropriate practice courses administered by the Department of Children and Families under s. 402.305(2)(d)1. within 30 days after being assigned such children if the child care personnel has not previously completed the training.

125 <u>4. Require child care personnel who are employed by the</u> 126 provider to complete an online training course on the 127 performance standards adopted pursuant to paragraph (j).

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129 Any provision imposed upon a provider that is inconsistent with, 130 or prohibited by, law is void and unenforceable. 131 (p) Monitor and evaluate the performance of each early 132 learning coalition in administering the school readiness program 133 and the Voluntary Prekindergarten Education Program, ensuring 134 proper payments for school readiness program and Voluntary 135 Prekindergarten Education Program services, and implementing the 136 coalition's school readiness program plan, and administering the 137 Voluntary Prekindergarten Education Program. These monitoring 138 and performance evaluations must include, at a minimum, onsite 139 monitoring of each coalition's finances, management, operations, 140 and programs. 141 Section 25. Subsections (8) and (20) of section 1002.84, 142 Florida Statutes, are amended to read: 143 1002.84 Early learning coalitions; school readiness powers and duties.-Each early learning coalition shall: 144 145 (8) Establish a parent sliding fee scale that requires a 146 parent copayment to participate in the school readiness program. 147 Providers are required to collect the parent's copayment. A 148 coalition may, on a case-by-case basis, waive the copayment for 149 an at-risk child or temporarily waive the copayment for a child 150 whose family's income is at or below the federal poverty level 151 and family experiences a natural disaster or an event that 152 limits the parent's ability to pay, such as incarceration, 153 placement in residential treatment, or becoming homeless, or an 154 emergency situation such as a household fire or burglary, or 155 while the parent is participating in parenting classes. A parent may not transfer school readiness program services to another 156

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157 school readiness program provider until the parent has submitted 158 documentation from the current school readiness program provider 159 to the early learning coalition stating that the parent has 160 satisfactorily fulfilled the copayment obligation.

(20) To increase transparency and accountability, comply 161 162 with the requirements of this section before contracting with a member of the coalition, an employee of the coalition, or a 163 relative, as defined in s. 112.3143(1) s. 112.3143(1)(b), of a 164 165 coalition member or of an employee of the coalition. Such 166 contracts may not be executed without the approval of the 167 office. Such contracts, as well as documentation demonstrating 168 adherence to this section by the coalition, must be approved by 169 a two-thirds vote of the coalition, a quorum having been 170 established; all conflicts of interest must be disclosed before 171 the vote; and any member who may benefit from the contract, or 172 whose relative may benefit from the contract, must abstain from 173 the vote. A contract under \$25,000 between an early learning 174 coalition and a member of that coalition or between a relative, 175 as defined in s. 112.3143(1) s. 112.3143(1)(b), of a coalition 176 member or of an employee of the coalition is not required to 177 have the prior approval of the office but must be approved by a two-thirds vote of the coalition, a quorum having been 178 established, and must be reported to the office within 30 days 179 180 after approval. If a contract cannot be approved by the office, 181 a review of the decision to disapprove the contract may be 182 requested by the early learning coalition or other parties to 183 the disapproved contract.

184 Section 26. Paragraphs (c) and (h) of subsection (1) and 185 subsections (6) through (8) of section 1002.87, Florida

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186 Statutes, are amended to read:

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187 1002.87 School readiness program; eligibility and 188 enrollment.-

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

193 (c) Priority shall be given next to a child from birth to the beginning of the school year for which the child is eligible 194 195 for admission to kindergarten in a public school under s. 196 1003.21(1)(a)2. who is from a working family that is 197 economically disadvantaged, and may include such child's 198 eligible siblings, beginning with the school year in which the 199 sibling is eligible for admission to kindergarten in a public 200 school under s. 1003.21(1)(a)2. until the beginning of the 201 school year in which the sibling enters is eligible to begin 6th 202 grade, provided that the first priority for funding an eligible 203 sibling is local revenues available to the coalition for funding direct services. However, a child eligible under this paragraph 204 205 ceases to be eligible if his or her family income exceeds 200 206 percent of the federal poverty level.

(h) Priority shall be given next to a child who has special 207 208 needs, has been determined eligible as an infant or toddler from 209 birth to 3 years of age with an individualized family support 210 plan receiving early intervention services or as a student with 211 a disability with, has a current individual education plan with 212 a Florida school district, and is not younger than 3 years of 213 age. A special needs child eligible under this paragraph remains eligible until the child is eligible for admission to 214

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215 kindergarten in a public school under s. 1003.21(1)(a)2. 216 (6) Eligibility for each child must be reevaluated 217 annually. Upon reevaluation, a child may not continue to receive 218 school readiness program services if he or she has ceased to be 219 eligible under this section. If a child no longer meets 220 eligibility or program requirements, the coalition must 221 immediately notify the child's parent and the provider that 222 funding will end 2 weeks after the date on which the child was 223 determined to be ineligible or when the current child care 224 authorization expires, whichever occurs first.

225 (7) If a coalition disenrolls children from the school 226 readiness program due to lack of funding or a change in 227 eligibility priorities, the coalition must disenroll the 228 children in reverse order of the eligibility priorities listed 229 in subsection (1) beginning with children from families with the 230 highest family incomes. A notice of disenrollment must be sent 231 to the parent and school readiness program provider at least 2 232 weeks before disenrollment or the expiration of the current 233 child care authorization, whichever occurs first, to provide 234 adequate time for the parent to arrange alternative care for the child. However, an at-risk child receiving services from the 235 236 Child Welfare Program Office of the Department of Children and 237 Families may not be disenrolled from the program without the 238 written approval of the Child Welfare Program Office of the 239 Department of Children and Families or the community-based lead 240 agency.

(8) If a child is absent from the program for 2 consecutive
days without parental notification to the program of such
absence, the school readiness program provider shall contact the

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244 parent and determine the cause for absence and expected date of 245 return. If a child is absent from the program for 5 consecutive 246 days without parental notification to the program of such 247 absence, the school readiness program provider shall report the 248 absence to the early learning coalition for a determination of 249 the need for continued care.

Section 27. Paragraphs (a) through (c) and (l) through (q) of subsection (1) of section 1002.88, Florida Statutes, are amended, present subsections (2) and (3) are renumbered as subsections (4) and (5), respectively, present subsection (2) is amended, and new subsections (2) and (3) are added to that section, to read:

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

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

(a)<u>1.</u> Be <u>a nonpublic school in substantial compliance with</u> <u>s. 402.3025(2)(d)</u>, a child care facility licensed under s. 402.305, a family day care home licensed or registered under s. 402.313, a large family child care home licensed under s. 402.3131, <u>or a child care facility exempt from licensure</u> operating under s. 402.316(4);

2. Be an entity that is part of Florida's education system under s. 1000.04(1); a public school or nonpublic school exempt from licensure under s. 402.3025, a faith-based child care provider exempt from licensure under s. 402.316, a before-school or after-school program described in s. 402.305(1)(c), or

271 <u>3. Be</u> an informal child care provider to the extent
 272 authorized in the state's Child Care and Development Fund Plan

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as approved by the United States Department of Health and Human Services pursuant to 45 C.F.R. s. 98.18.

(b) Provide instruction and activities to enhance the age-275 276 appropriate progress of each child in attaining the child 277 development standards adopted by the office pursuant to s. 278 1002.82(2)(j). A provider should include activities to foster 279 brain development in infants and toddlers; provide an 280 environment that is rich in language and music and filled with objects of various colors, shapes, textures, and sizes to 281 282 stimulate visual, tactile, auditory, and linguistic senses; and 283 include 30 minutes of reading to children each day. A provider 284 must provide parents information on child development, 285 expectations for parent engagement, the daily schedule, and the 286 attendance policy.

287 (c) Provide basic health and safety of its premises and 288 facilities in accordance with applicable licensing and 289 inspection requirements and compliance with requirements for 290 age-appropriate immunizations of children enrolled in the school 291 readiness program. For a child care facility, a large family 292 child care home, or a licensed family day care home, compliance with s. 402.305, s. 402.3131, or s. 402.313 satisfies this 293 requirement. For a public or nonpublic school, compliance with 294 295 ss. s. 402.3025 or s. 1003.22 and 1013.12 satisfies this 296 requirement. For a nonpublic school, compliance with s. 297 402.3025(2)(d) satisfies this requirement. For a facility exempt 298 from licensure, compliance with s. 402.316(4) satisfies this 299 requirement. For an informal provider, substantial compliance as 300 defined in s. 402.302(17) satisfies this requirement. A provider 301 shall be denied initial eligibility to offer the program if the

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302 provider has been cited for a class I violation in the 12 months 303 before seeking eligibility and the Office of Early Learning determines that denial of initial eligibility is appropriate 304 305 after a review of the violation and the provider's licensure 306 history. The Office of Early Learning shall establish a 307 procedure of due process which ensures each provider the 308 opportunity to appeal such a denial of initial eligibility to 309 offer the program. The decision of the Office of Early Learning 310 is not subject to the provisions of the Administrative Procedure 311 Act, chapter 120 A faith-based child care provider, an informal 312 child care provider, or a nonpublic school, exempt from 313 licensure under s. 402.316 or s. 402.3025, shall annually 314 complete the health and safety checklist adopted by the office, 315 post the checklist prominently on its premises in plain sight 316 for visitors and parents, and submit it annually to its local 317 early learning coalition.

318 (1) For a provider that is not an informal provider, 319 Maintain general liability insurance and provide the coalition 320 with written evidence of general liability insurance coverage, 321 including coverage for transportation of children if school readiness program children are transported by the provider. A 322 323 private provider must obtain and retain an insurance policy that 324 provides a minimum of \$100,000 of coverage per occurrence and a 325 minimum of \$300,000 general aggregate coverage. The office may authorize lower limits upon request, as appropriate. A provider 326 327 must add the coalition as a named certificateholder and as an 328 additional insured. A private provider must provide the 329 coalition with a minimum of 10 calendar days' advance written 330 notice of cancellation of or changes to coverage. The general



331 liability insurance required by this paragraph must remain in 332 full force and effect for the entire period of the provider contract with the coalition. 333

334 (m) For a provider that is an informal provider, comply with the provisions of paragraph (1) or maintain homeowner's 335 336 liability insurance and, if applicable, a business rider. If an informal provider chooses to maintain a homeowner's policy, the 337 338 provider must obtain and retain a homeowner's insurance policy that provides a minimum of \$100,000 of coverage per occurrence 339 340 and a minimum of \$300,000 general aggregate coverage. The office may authorize lower limits upon request, as appropriate. An 341 342 informal provider must add the coalition as a named certificateholder and as an additional insured. An informal 343 344 provider must provide the coalition with a minimum of 10 345 calendar days' advance written notice of cancellation of or changes to coverage. The general liability insurance required by 346 347 this paragraph must remain in full force and effect for the entire period of the provider's contract with the coalition. 348

(m) (n) Obtain and maintain any required workers' compensation insurance under chapter 440 and any required reemployment assistance or unemployment compensation coverage under chapter 443, unless exempt under state or federal law.

(n) (o) Notwithstanding paragraph (1), for a provider that is a state agency or a subdivision thereof, as defined in s. 768.28(2), agree to notify the coalition of any additional liability coverage maintained by the provider in addition to 357 that otherwise established under s. 768.28. The provider shall 358 indemnify the coalition to the extent permitted by s. 768.28. 359 (o) (p) Execute the standard statewide provider contract

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360 adopted by the office.

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

(2) Beginning January 1, 2016, child care personnel employed by a school readiness program provider must hold a high school diploma or its equivalent and be at least 18 years of age, unless the personnel are not responsible for supervising children in care or are under direct supervision and are not counted for the purposes of computing the personnel-to-child ratio.

(3) Beginning January 1, 2015, at least 50 percent of the child care personnel employed by a school readiness provider at each location, who are responsible for supervising children in care, must be trained in first aid and infant and child cardiopulmonary resuscitation, as evidenced by current documentation of course completion. As a condition of employment, personnel hired on or after January 1, 2015, must complete this training within 60 days after employment.

<u>(4)</u> (2) If a school readiness program provider fails or refuses to comply with this part or any contractual obligation of the statewide provider contract under s. 1002.82(2)(m), the coalition may revoke the provider's eligibility to deliver the school readiness program or receive state or federal funds under this chapter for a period of 5 years.

Section 28. Paragraph (b) of subsection (6) and subsection
(7) of Section 1002.89, Florida Statutes, are amended to read:
 1002.89 School readiness program; funding.-

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389 (6) Costs shall be kept to the minimum necessary for the 390 efficient and effective administration of the school readiness 391 program with the highest priority of expenditure being direct services for eligible children. However, no more than 5 percent 392 of the funds described in subsection (5) may be used for 393 394 administrative costs and no more than 22 percent of the funds 395 described in subsection (5) may be used in any fiscal year for 396 any combination of administrative costs, quality activities, and nondirect services as follows: 397

(b) Activities to improve the quality of child care as described in 45 C.F.R. s. 98.51, which <u>must</u> shall be limited to the following:

1. Developing, establishing, expanding, operating, and coordinating resource and referral programs specifically related to the provision of comprehensive consumer education to parents and the public to promote informed child care choices specified in 45 C.F.R. s. 98.33 regarding participation in the school readiness program and parental choice.

407 2. Awarding grants and providing financial support to 408 school readiness program providers and their staff to assist them in meeting applicable state requirements for child care 409 performance standards, implementing developmentally appropriate 410 411 curricula and related classroom resources that support 412 curricula, providing literacy supports, obtaining a license or 413 accreditation, and providing professional development, including 414 scholarships and other incentives. Any grants awarded pursuant 415 to this subparagraph shall comply with the requirements of ss. 215.971 and 287.058. 416

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3. Providing training, and technical assistance, and

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418 <u>financial support</u> for school readiness program providers, staff, 419 and parents on standards, child screenings, child assessments, 420 developmentally appropriate curricula, character development, 421 teacher-child interactions, age-appropriate discipline 422 practices, health and safety, nutrition, first aid, 423 <u>cardiopulmonary resuscitation</u>, the recognition of communicable 424 diseases, and child abuse detection and prevention.

425 4. Providing from among the funds provided for the 426 activities described in subparagraphs 1.-3., adequate funding 427 for infants and toddlers as necessary to meet federal 428 requirements related to expenditures for quality activities for 429 infant and toddler care.

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

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

437 (7) Funds appropriated for the school readiness program may 438 not be expended for the purchase or improvement of land; for the purchase, construction, or permanent improvement of any building 439 440 or facility; or for the purchase of buses. However, funds may be 441 expended for minor remodeling necessary for the administration 442 of the program and upgrading of child care facilities to ensure 443 that providers meet state and local child care standards, 444 including applicable health and safety requirements.

445 Section 29. Subsection (7) of section 1002.91, Florida 446 Statutes, is amended to read:

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447 1002.91 Investigations of fraud or overpayment; penalties.-(7) The early learning coalition may not contract with a 448 449 school readiness program provider, or a Voluntary 450 Prekindergarten Education Program provider, or an individual who 451 is on the United States Department of Agriculture National 452 Disgualified List. In addition, the coalition may not contract 453 with any provider that shares an officer or director with a 454 provider that is on the United States Department of Agriculture 455 National Disgualified List.

Section 30. Paragraph (d) of subsection (3) of section 1002.94, Florida Statutes, is amended to read:

1002.94 Child Care Executive Partnership Program.(3)

460 (d) Each early learning coalition shall establish a 461 community child care task force for each child care purchasing 462 pool. The task force must be composed of employers, parents, 463 private child care providers, and one representative from the local children's services council, if one exists in the area of 464 465 the purchasing pool. The early learning coalition is expected to 466 recruit the task force members from existing child care 467 councils, commissions, or task forces already operating in the 468 area of a purchasing pool. A majority of the task force shall 469 consist of employers.

Section 31. <u>The Office of Early Learning shall conduct a 2-</u>
year pilot project to study the impact of assessing the early
literacy skills of Voluntary Prekindergarten Education Program
participants who are English Language Learners, in both English
and Spanish. The assessments must include, at a minimum, the
first administration of the Florida Assessments for Instruction

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476	in Reading in kindergarten and an appropriate alternative
477	assessment in Spanish. The study must include a review of the
478	kindergarten screening results for 2009-2010 and 2010-2011
479	program participants and their subsequent Florida Comprehensive
480	Assessment Test scores. The office shall annually report its
481	findings to the Governor, the President of the Senate, and the
482	Speaker of the House of Representatives by July 1, 2015, and
483	July 1, 2016.
484	Section 32. For the 2014-2015 fiscal year, the sums of
485	\$1,219,575 in recurring funds and \$11,319 in nonrecurring funds
486	from the Federal Grants Trust Fund and \$70,800 in recurring
487	funds from the Operations and Maintenance Trust Fund are
488	appropriated to the Department of Children and Families, and 18
489	full-time equivalent positions with associated salary rate of
490	608,446 are authorized, for the purpose of implementing the
491	regulatory provisions of this act.
492	Section 33. This act shall take effect July 1, 2014.
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494	========== T I T L E A M E N D M E N T =================================
495	And the title is amended as follows:
496	Delete lines 69 - 94
497	and insert:
498	Learning Advisory Council; amending s. 1002.81, F.S.;
499	revising certain program definitions; amending s.
500	1002.82, F.S.; revising the powers and duties of the
501	Office of Early Learning; revising provisions included
502	in the standard statewide school readiness provider
503	contract; amending s. 1002.84, F.S.; revising the
504	powers and duties of early learning coalitions;

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505 conforming provisions to changes made by the act; 506 amending s. 1002.87, F.S.; revising student 507 eligibility and enrollment requirements for the school 508 readiness program; amending s. 1002.88, F.S.; revising 509 eligibility requirements for program providers that 510 want to deliver the school readiness program; 511 providing conditions for denial of initial eligibility; providing child care personnel 512 requirements; amending s. 1002.89, F.S.; revising the 513 514 use of funds for the school readiness program; 515 amending s. 1002.91, F.S.; prohibiting an early 516 learning coalition from contracting with specified 517 persons; amending s. 1002.94, F.S.; revising 518 establishment of a community child care task force by 519 an early learning coalition; requiring the Office of 520 Early Learning to conduct a pilot project to study the 521 impact of assessing the early literacy skills of 522 certain VPK program participants; requiring the office 523 to report its findings to the Governor and Legislature 524 by specified dates; providing an appropriation; 525 providing an effective date.