

By Senator Carlton

23-1494-04

1                                   A bill to be entitled  
2           An act relating to early learning; creating ch.  
3           1014, F.S., relating to early learning and  
4           entitled Early Learning; consisting of part I  
5           relating to general provisions, part II  
6           relating to voluntary universal  
7           prekindergarten, and part III relating to early  
8           childhood education programs; creating a short  
9           title; creating s. 1014.02, F.S.; defining  
10          terms related to early learning; creating s.  
11          1014.03, F.S.; providing governance for early  
12          learning; creating s. 1014.04, F.S.; creating  
13          the Early Learning Advisory Council; providing  
14          for membership; providing for selection  
15          criteria; providing for conditions of  
16          membership; creating s. 1014.05, F.S.;  
17          providing for parental involvement; creating s.  
18          1014.06, F.S.; directing the State Board of  
19          Education to adopt rules prescribing the  
20          minimum standards for early learning personnel;  
21          requiring a competency examination; providing  
22          exemptions from training for certain personnel  
23          under specified conditions; providing criteria  
24          for the training courses; providing for  
25          continuing education; creating s. 1014.061,  
26          F.S.; directing the Department of Education to  
27          review all currently approved child development  
28          associate and child development associate  
29          equivalent educational programs; requiring the  
30          state board to adopt rules to establish  
31          curriculum standards for the approval and

1 renewal of child development associate and  
2 child development associate equivalent  
3 credential programs; creating s. 1014.062,  
4 F.S.; providing for early learning trainer  
5 qualifications; creating s. 1014.063, F.S.;  
6 directing the department to evaluate training  
7 requirements for early learning personnel;  
8 requiring periodic evaluations of the training  
9 requirements; creating s. 1014.064, F.S.;  
10 requiring the State Board of Education to  
11 develop guidelines for inter-institutional  
12 articulation; specifying transferability to  
13 educational institutions; creating s. 1014.065,  
14 F.S.; directing the State Board of Education to  
15 adopt rules for early learning personnel to  
16 earn a state-approved child development  
17 associate credit; transferring, renumbering,  
18 and amending s. 402.3017, F.S.; providing for  
19 early learning quality initiatives; providing  
20 for scholarship programs for early childhood  
21 education personnel; permitting the department  
22 to adopt rules; creating s. 1014.08, F.S.;  
23 providing legislative intent; providing a  
24 mission and goals for early learning programs;  
25 requiring certain organizations to provide  
26 informational data to the State Board of  
27 Education; directing the state board to adopt  
28 rules; transferring, renumbering, and amending  
29 s. 411.0105, F.S.; authorizing the Governor to  
30 appoint the Department of Education as the lead  
31 agency for federal child care and development

1 purposes; creating s. 1014.10, F.S.; directing  
2 that federal laws or regulations will take  
3 precedence to the extent of any conflict with  
4 state child development laws or rules until the  
5 conflict is resolved; creating s. 1014.21,  
6 F.S.; providing for legislative intent relating  
7 to the voluntary universal prekindergarten  
8 program; creating s. 1014.215, F.S.; providing  
9 for parental rights, choices, and  
10 responsibilities in the prekindergarten  
11 program; suggesting factors for parents to  
12 review before selecting a prekindergarten  
13 provider; creating s. 1014.22, F.S.; directing  
14 the department to create and operate a consumer  
15 education and protection program to assist  
16 parents selecting a prekindergarten for their  
17 child; requiring the department to establish a  
18 toll-free hotline and Internet website to  
19 provide information to parents; requiring each  
20 early childhood education provider to give  
21 parents certain specified information; creating  
22 s. 1014.23, F.S.; providing that voluntary  
23 universal prekindergarten be delivered by a  
24 diverse network of private, public, and  
25 faith-based providers; creating s. 1014.24,  
26 F.S.; requiring voluntary universal  
27 prekindergarten providers to form community  
28 partnerships and directing the providers to  
29 refer children to others for additional support  
30 services; requiring that each prekindergarten  
31 application form include a place for parents to

1 list the needs and service history of their  
2 child; creating s. 1014.25, F.S.; providing  
3 eligibility criteria for children planning to  
4 enter prekindergarten; requiring the State  
5 Board of Education to adopt rules establishing  
6 application procedures for children entering  
7 prekindergarten; creating s. 1014.26, F.S.;  
8 providing that voluntary universal  
9 prekindergarten programs must address and  
10 enhance each child's ability to make  
11 age-appropriate progress; requiring the State  
12 Board of Education to identify curricula that  
13 meet specified standards; creating s. 1014.27,  
14 F.S.; establishing criteria for providers  
15 wishing to participate as voluntary universal  
16 prekindergarten providers; requiring voluntary  
17 universal prekindergarten providers to have  
18 certain staff with certain early childhood  
19 education credentials; requiring the providers  
20 to register with an early learning council;  
21 creating s. 1014.28, F.S.; prohibiting  
22 voluntary universal prekindergarten providers  
23 from using program funds to pay for  
24 transportation services; authorizing the  
25 providers to use other funds for transportation  
26 services; creating s. 1014.29, F.S.; providing  
27 for eligible children to receive a voucher to  
28 use to participate in the voluntary universal  
29 prekindergarten program; requiring each  
30 voluntary universal prekindergarten provider to  
31 sign a funding agreement each year; creating s.

1           1014.30, F.S.; requiring that all funds  
2           associated with the voluntary universal  
3           prekindergarten program be appropriated in a  
4           single and separate budget entity; creating s.  
5           1014.31, F.S.; requiring the State Board of  
6           Education to annually assess the state's  
7           capacity to provide universal prekindergarten  
8           programs; requiring the board to prepare the  
9           assessment in partnership with specified  
10          organizations; requiring the State Board of  
11          Education to prepare an annual report detailing  
12          the findings of the annual assessments;  
13          creating s. 1014.32, F.S.; requiring Workforce  
14          Florida to recognize credentialed early  
15          learning placement as a high skill placement;  
16          creating s. 1014.40, F.S.; defining "central  
17          agency" and "economically disadvantaged";  
18          creating s. 1014.41, F.S.; creating the early  
19          learning councils; providing duties of the  
20          councils; providing for membership on each  
21          council; requiring that a majority of council  
22          members not have a financial interest in the  
23          design or delivery of early learning services;  
24          creating s. 1014.42, F.S.; requiring each local  
25          school readiness coalition to transition into  
26          an early learning council by a specified date;  
27          providing for the transfer of equipment,  
28          facilities, and other resources to the early  
29          learning council; providing that no right of  
30          action is created by the transition; creating  
31          s. 1014.43, F.S.; requiring an early learning

1 council to supply funds to programs that meet  
2 certain specified expectations; creating s.  
3 1014.44, F.S.; requiring each early learning  
4 council to provide a publicly funded early  
5 childhood education program to children in  
6 specific priority categories; creating s.  
7 1014.45, F.S.; requiring each early learning  
8 council to provide a comprehensive education  
9 experience by meeting the needs of children in  
10 certain categories; creating s. 1014.46, F.S.;  
11 requiring each early learning council to  
12 implement an early learning education plan;  
13 requiring the council to receive approval of  
14 its plan from the department; detailing the  
15 content of the early learning plan; creating s.  
16 1014.47, F.S.; directing the early learning  
17 council to provide parental choice in the  
18 method of receiving early childhood education;  
19 providing that if an early learning provider  
20 gives any cash to a beneficiary in return for  
21 receiving a payment certificate, the early  
22 learning council or its fiscal agent shall  
23 refer the matter to the Division of Public  
24 Assistance Fraud or the state attorney for  
25 investigation; transferring, renumbering, and  
26 amending s. 402.27, F.S.; requiring the  
27 Department of Education to ensure that a  
28 statewide network for resource and referral is  
29 established; directing the department to select  
30 the state resource and referral agency;  
31 requiring each early learning council to

1           establish a local resource and referral agency  
2           in the county served by the early learning  
3           council; specifying the services to be provided  
4           by the resource and referral agencies;  
5           requiring certain documentation to be  
6           maintained by the agencies; requiring the  
7           agencies to provide technical assistance to  
8           early childhood education providers;  
9           transferring, renumbering, and amending s.  
10          402.3018, F.S.; requiring the department to  
11          contract with the state resource and referral  
12          agency to provide a statewide toll-free Warm  
13          Line to provide assistance and consultation to  
14          early childhood education providers; contingent  
15          upon appropriations, the department is to  
16          create a Warm Line in each county or region  
17          served by an early learning council; specifying  
18          duties of the county or regional Warm Line  
19          staff; transferring, renumbering, and amending  
20          s. 409.178, F.S.; creating the Business  
21          Partnership for Early Learning; describing the  
22          purposes of the Business Partnership; providing  
23          for membership on the partnership board;  
24          specifying the power and authority of the  
25          Business Partnership board; creating early  
26          childhood education purchasing pools; providing  
27          criteria for distribution of funds through the  
28          purchasing pools; requiring each early learning  
29          council to create a community task force for  
30          each purchasing pool; directing the department  
31          to adopt rules to administer the early

1 childhood education purchasing pools;  
2 transferring, renumbering, and amending s.  
3 402.25, F.S.; requiring programs serving  
4 children from birth to 5 years of age to  
5 provide a learning environment containing  
6 specified activities to foster brain  
7 development; creating s. 1014.52, F.S.;  
8 requiring each early learning council not  
9 organized as a corporation or other business  
10 entity to designate a fiscal agent; providing  
11 criteria for selecting a fiscal agent;  
12 providing responsibilities for a fiscal agent;  
13 transferring, renumbering, and amending s.  
14 402.3051, F.S.; defining terms related to  
15 market rate reimbursements to an early  
16 childhood education provider; directing the  
17 department to establish procedures to reimburse  
18 specified categories of providers; creating s.  
19 1014.54, F.S.; directing that all funds  
20 associated with early childhood education  
21 programs, other than the funds associated with  
22 the voluntary universal prekindergarten  
23 program, be appropriated in a single and  
24 separate budget entity; directing how early  
25 learning councils may be used to carry out the  
26 department's early childhood education plan;  
27 requiring early childhood councils to use  
28 competitive procurement procedures set forth in  
29 ch. 287 when purchasing goods and services;  
30 authorizing each early learning council to  
31 contract with a central agency or other



1 qualified entity to perform duties assigned to  
2 the council; requiring the department to  
3 investigate violations of spending practices;  
4 requiring the Auditor General to audit each  
5 early learning council each year; amending s.  
6 20.15, F.S.; adding the Division of Early  
7 Learning to the organizational divisions of the  
8 Department of Education; amending s. 20.50,  
9 F.S.; removing the school readiness service  
10 system from the Agency for Workforce  
11 Innovation; amending s. 402.281, F.S.; revising  
12 criteria for certain programs to be designated  
13 "Gold Seal Quality" programs; adding a  
14 credentialing agency to the list of national  
15 associations setting standards for quality  
16 child care; requiring the Department of  
17 Children and Family Services to consult with  
18 certain organizations when developing the "Gold  
19 Seal Quality" program standards; reenacting s.  
20 212.08(5)(m), F.S., relating to sales tax  
21 exemptions, and s. 402.315(5), F.S., relating  
22 to the use of child care licensing funds, to  
23 incorporate the amendment to s. 402.281, F.S.,  
24 in references thereto; amending s. 445.023,  
25 F.S.; providing that a family may be eligible  
26 for services to a child with special needs if  
27 the family is economically disadvantaged;  
28 amending s. 1008.21, F.S.; requiring the  
29 department to develop a school readiness  
30 uniform screening; revising the data to be  
31 collected for the screening; requiring each

1 school district to collect certain health  
2 related information; requiring each school  
3 district to conduct assessments of each child's  
4 emotional and social development; repealing s.  
5 411.01, F.S., relating to the Florida  
6 Partnership for School Readiness; repealing s.  
7 411.012, F.S., relating to the voluntary  
8 universal prekindergarten education program;  
9 providing for the transfer of the Florida  
10 Partnership for School Readiness, school  
11 readiness, early childhood resource and  
12 referral, and the subsidized child care  
13 programs from the Agency for Workforce  
14 Innovation to the Department of Education;  
15 providing for the transfer of the Child Care  
16 Executive Partnership Program from the  
17 Department of Children and Family Services to  
18 the Department of Education; providing for the  
19 transfer of all functions associated with the  
20 training of and the issuing of credentials to  
21 child care facility personnel from the  
22 Department of Children and Family Services to  
23 the Department of Education; providing requests  
24 to the Division of Statutory Revision;  
25 providing for severability; providing an  
26 effective date.

27  
28 WHEREAS, a child's parent is his or her first, and most  
29 important, teacher, and it is imperative that opportunities  
30 are provided to parents and guardians to participate in the  
31 choice of and preparation for their child's educational

1 opportunities, including early learning programs that are  
2 sensitive to cultural diversity, to children whose first  
3 language is other than English, and to children with  
4 disabilities, and

5 WHEREAS, community partnerships between and among  
6 county government, public health departments, children's  
7 services councils, libraries, businesses, and early child care  
8 and educational resources are integral for the successful  
9 preparation of children in their early educational endeavors,  
10 and

11 WHEREAS, the public's return on their investment in  
12 early learning will be shown as a ratio of the program outcome  
13 represented by children who are ready to enter kindergarten  
14 divided by the money used to achieve the outcome, NOW,  
15 THEREFORE,

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Chapter 1014, Florida Statutes, shall be  
20 entitled "Early Learning" and shall consist of sections  
21 1014.01-1014.57, Florida Statutes.

22 Section 2. Part I of chapter 1014, Florida Statutes,  
23 shall be entitled "General Provisions" and shall consist of  
24 sections 1014.01-1014.11, Florida Statutes.

25 Section 3. Section 1014.01, Florida Statutes, is  
26 created to read:

27 1014.01 Short title.--Chapter 1014 may be cited as the  
28 "Early Learning Act."

29 Section 4. Section 1014.02, Florida Statutes, is  
30 created to read:

31

1           1014.02 Definitions.--As used in this chapter, the  
2 term:

3           (1) "Child care center" means any child care center or  
4 child care arrangement that provides child care for more than  
5 five children unrelated to the operator and that receives a  
6 payment, fee, or grant for any of the children receiving care,  
7 wherever operated, and whether or not operated for profit. The  
8 following are not included:

9           (a) Public schools and nonpublic schools and their  
10 integral programs, except as provided in s. 402.3025;

11           (b) Summer camps having children in full-time  
12 residence;

13           (c) Summer day camps;

14           (d) Bible schools normally conducted during vacation  
15 periods; and

16           (e) Operators of transient establishments, as defined  
17 in s. 509.013, that provide child care services solely for the  
18 guests of their establishment or resort, provided that all  
19 child care personnel of the establishment are screened  
20 according to the level 2 screening requirements of chapter  
21 435.

22           (2) "Department" means the Department of Education.

23           (3) "Director" means an onsite person who is  
24 responsible for the overall operation of a child care center  
25 or specialized child care center for mildly ill children,  
26 regardless of whether he or she is the owner of the center.

27           (4) "Early childhood education" means child  
28 development or child care that is provided for a period of  
29 less than 24 hours per day on a regular basis and for which a  
30 payment of a fee or grant is made.

31

1           (5) "Early childhood education provider" means a  
2 provider of early childhood education services. The term  
3 includes public and private providers, including child care  
4 centers, specialized child care centers for mildly ill  
5 children, family child care homes, large family child care  
6 homes, and informal providers, regardless of whether a  
7 provider is licensed, registered, exempt from licensure, or  
8 unregulated under s. 402.305.

9           (6) "Early learning" means the enhancement of a  
10 child's ability to make age-appropriate progress in the  
11 development of language and cognitive capabilities, including  
12 early literacy skills and emotional, social, regulatory, and  
13 moral capacities, through education in basic skills, as part  
14 of an early learning program provided under this chapter.

15           (7) "Early Learning Council" means the council  
16 established in s. 1014.41 to administer early childhood  
17 education programs and services, excluding voluntary universal  
18 prekindergarten, at the local level.

19           (8) "Early learning funds" means all state and federal  
20 funds appropriated to the Department of Education for delivery  
21 and administration of early learning programs. Except as  
22 otherwise expressly provided by law, the term does not include  
23 funds provided to the Business Partnership for Early Learning  
24 under s. 1014.50.

25           (9) "Early learning program" means a program that  
26 provides publicly funded services under this chapter,  
27 including early childhood education and the voluntary  
28 universal prekindergarten program.

29           (10) "Family day care home" means an occupied  
30 residence in which child care is regularly provided for  
31 children from at least two unrelated families and which

1 receives a payment, fee, or grant for any of the children  
2 receiving care, whether or not operated for profit. A family  
3 day care home shall be allowed to provide care for one of the  
4 following groups of children, which shall include those  
5 children under 13 years of age who are related to the  
6 caregiver:

7 (a) A maximum of four children from birth to 12 months  
8 of age.

9 (b) A maximum of three children from birth to 12  
10 months of age, and other children, for a maximum total of six  
11 children.

12 (c) A maximum of six preschool children if all are  
13 older than 12 months of age.

14 (d) A maximum of 10 children if no more than five are  
15 preschool age and, of those five, no more than two are under  
16 12 months of age.

17 (11) "Informal provider" means a service provider that  
18 is unregulated under part IV of this chapter and, accordingly,  
19 is not required to be licensed or registered under part IV of  
20 this chapter, and is not exempted from licensure under s.  
21 402.305. The term includes an arrangement in which early  
22 childhood education is provided by a relative of the child or  
23 by another unregulated caregiver, regardless of whether those  
24 services are provided in the child's residence or at another  
25 location.

26 (12) "Kindergarten eligibility" means the age at which  
27 a child is eligible for admission to public kindergarten under  
28 s. 1003.21(1)(a)2.

29 (13) "Large family child care home" means an occupied  
30 residence in which child care is regularly provided for  
31 children from at least two unrelated families, which receives

1 a payment, fee, or grant for any of the children receiving  
2 care, whether or not operated for profit, and which has at  
3 least two full-time child care personnel on the premises  
4 during the hours of operation. One of the two full-time child  
5 care personnel must be the owner or occupant of the residence.  
6 A large family child care home must first have operated as a  
7 licensed family day care home for 2 years, with an operator  
8 who has had a child development associate credential or its  
9 equivalent for 1 year, before seeking licensure as a large  
10 family child care home. A large family child care home shall  
11 be allowed to provide care for one of the following groups of  
12 children, which shall include those children under 13 years of  
13 age who are related to the caregiver:

14 (a) A maximum of eight children from birth to 24  
15 months of age.

16 (b) A maximum of 12 children, with no more than 4  
17 children under 24 months of age.

18 (14) "Operator" means an onsite person ultimately  
19 responsible for the overall operation of a family child care  
20 home or large family child care home, regardless of whether he  
21 or she is the owner of the home.

22 (15) "Owner" means the person who is licensed or  
23 registered to operate as an early childhood education  
24 provider.

25 (16) "Payment certificate" means a "child care  
26 certificate" as defined in 45 C.F.R. s. 98.2.

27 (17) "Single point of entry" means an integrated  
28 information system that allows a parent to enroll his or her  
29 child in early learning programs at various locations  
30 throughout the county or multicounty region served by an early  
31 learning council, that may allow a parent to enroll his or her

1 child by telephone or through an Internet website, and that  
2 uses a unified waiting list to track eligible children waiting  
3 for enrollment in available early learning programs.

4 (18) "Voluntary universal prekindergarten funds" means  
5 all state funds appropriated to the Department of Education  
6 for the voluntary universal prekindergarten program.

7 (19) "Voluntary universal prekindergarten program"  
8 means the voluntary universal prekindergarten education  
9 program mandated by s. 1(b) and (c), Art. IX of the State  
10 Constitution.

11 (20) "Voluntary universal prekindergarten provider"  
12 means a provider of the voluntary universal prekindergarten  
13 program. The term includes all providers that meet the  
14 criteria specified in s. 1014.27 and have signed a funding  
15 agreement under s. 1014.28.

16 Section 5. Section 1014.03, Florida Statutes, is  
17 created to read:

18 1014.03 Governance; state and local.--

19 (1) STATE BOARD OF EDUCATION.--

20 (a) The State Board of Education is the chief  
21 implementing and coordinating body of public education in this  
22 state, and it shall focus on high-level policy decisions. It  
23 may adopt rules to administer the laws conferring duties upon  
24 it for the improvement of early learning programs including  
25 the voluntary universal prekindergarten program. Except as  
26 otherwise provided herein, the State Board of Education may,  
27 as it finds appropriate, delegate its general powers to the  
28 Commissioner of Education or the directors of the divisions of  
29 the department.

30 (b) The State Board of Education may request and  
31 receive information, data, and reports from early learning



1 councils and providers in order to ensure compliance with this  
2 chapter.

3 1. If an early learning council, a voluntary universal  
4 prekindergarten provider, or an early childhood education  
5 provider cannot satisfactorily document compliance with this  
6 chapter, the State Board of Education may order the early  
7 learning council, voluntary universal prekindergarten  
8 provider, or early childhood education provider to comply with  
9 the request within a specified time period.

10 2. If the State Board of Education determines that an  
11 early learning council, a voluntary universal prekindergarten  
12 provider, or an early childhood education provider is  
13 unwilling or unable to comply with a law or rule within the  
14 specified time, the State Board of Education may:

15 a. Report to the Legislature that an early learning  
16 council, voluntary universal prekindergarten provider, or  
17 early childhood education provider is unwilling or unable to  
18 comply with a law or rule and recommend the action that the  
19 board proposes the Legislature take;

20 b. Withhold the transfer of state funds, discretionary  
21 grant funds, or any other funds specified as eligible for this  
22 purpose until the early learning council, voluntary universal  
23 prekindergarten provider, or early childhood education  
24 provider complies with the law or rule; or

25 c. Require the early learning council, voluntary  
26 universal prekindergarten provider, or early childhood  
27 education provider to report monthly or periodically on the  
28 noncompliance until the noncompliance is remedied.

29 (c) The State Board of Education shall ensure that  
30 administrative costs associated with delivering early  
31 childhood education programs and services during the 2004-2005

1 fiscal year do not exceed administrative costs associated with  
2 delivering those programs and services during the 2003-2004  
3 fiscal year.

4 (2) EARLY LEARNING ADVISORY COUNCIL.--The Early  
5 Learning Advisory Council is responsible for the activities  
6 described in s. 1014.05.

7 (3) DEPARTMENT OF EDUCATION.--The Department of  
8 Education is responsible for:

9 (a) Developing standards for all early learning  
10 programs.

11 (b) Facilitating the process by which early learning  
12 instructional personnel meet minimum training standards  
13 specified in s. 1014.07.

14 (c) Providing technical assistance to early learning  
15 councils and all providers.

16 (d) Monitoring early learning councils and providers  
17 to ensure compliance with all applicable laws and rules.

18 (e) Creating and implementing a consumer education and  
19 protection program specified in s. 1014.43.

20 (f) Providing or securing provision of services and  
21 functions necessary for effective and efficient implementation  
22 of this chapter.

23 (4) COMMISSIONER OF EDUCATION.--The Commissioner of  
24 Education may suspend or prohibit an eligible voluntary  
25 universal prekindergarten provider or early childhood  
26 education provider from participating in publicly funded early  
27 learning programs and may take other action as necessary to  
28 ensure compliance with program provider eligibility.

29 (a) The Commissioner of Education may investigate  
30 allegations of noncompliance with a law or rule and may  
31 determine probable cause.

1           (b) The Commissioner of Education shall report to the  
2 State Board of Education each noncompliance with law or rule.

3           (c) In addition, the Commissioner of Education shall  
4 oversee:

5           1. The compliance of the Division of Early Learning  
6 and early learning councils with curriculum standards set  
7 forth in s. 1014.47 and rules.

8           2. The evaluation and accountability components of the  
9 programs set forth in s. 1014.07 and rules established  
10 thereunder.

11           (5) DIVISION OF EARLY LEARNING.--The Division of Early  
12 Learning shall administer the early learning programs. The  
13 division shall:

14           (a) Provide fiscal and policy guidance to early  
15 learning councils including standard contract and voucher  
16 agreement language.

17           (b) Provide guidance statements to early learning  
18 councils regarding payment rates, parent fees, and other  
19 matters related to the early learning program.

20           (c) Ensure that no more than 5 percent of aggregate  
21 funds in each fiscal year is expended for administrative  
22 activities as required by federal regulations. The division  
23 shall work with subrecipients to properly classify and capture  
24 expenditures as direct, nondirect, and administrative.

25           (d) Establish and maintain contracting, payment, and  
26 reporting systems that provide timely information to the  
27 Legislature, including, but not limited to, information about  
28 expenditures and numbers of children served.

29           (e) Maintain a list of providers of publicly funded  
30 early learning programs.

31

1           (f) Implement audit procedures to ensure that a  
2 provider is accurately designated as eligible to provide the  
3 voluntary universal prekindergarten program services.

4           (g) Fully use federal, state, and local matching funds  
5 to provide for the efficient use of program funding.

6           (h) Ensure that federal and state funds are used in  
7 compliance with laws, regulations, and contracts or grant  
8 agreements and that performance goals are achieved.

9           (i) Develop and distribute information about best  
10 practices for effective and cost-efficient service delivery  
11 and management of early learning programs.

12           (j) Establish a means by which the public can provide  
13 comments and recommendations for the successful implementation  
14 of the voluntary universal prekindergarten program.

15           (k) Provide a means by which individuals may notify  
16 the Department of Education that a provider may be in  
17 violation of the laws or rules relating to the voluntary  
18 universal prekindergarten program.

19           (l) Ensure that the early childhood education and  
20 voluntary universal prekindergarten programs are delivered as  
21 a continuum of services for children ages birth to 5 and that  
22 effective mechanisms and procedures for coordination between  
23 the programs are implemented throughout the state.

24           Section 6. Section 1014.04, Florida Statutes is  
25 created to read:

26           1014.04 Early Learning Advisory Council.--

27           (1) The Governor shall appoint an Early Learning  
28 Advisory Council to advise the Commissioner of Education  
29 concerning implementation of the voluntary universal  
30 prekindergarten program, transition of school readiness  
31

1 programs to the Department of Education, and operation of  
2 early learning programs.

3 (2) The Early Learning Advisory Council shall include,  
4 at a minimum, the following members:

5 (a) A representative of private for-profit early  
6 childhood education providers;

7 (b) A representative of faith-based early childhood  
8 education providers;

9 (c) A Head Start service provider;

10 (d) A representative of prekindergarten programs for  
11 children with disabilities under the Individuals with  
12 Disabilities Education Act;

13 (e) A representative of not-for-profit early childhood  
14 education providers;

15 (f) A public school superintendent;

16 (g) The chair of an early learning council;

17 (h) The chair of the Business Partnership for Early  
18 Learning;

19 (i) The chair of a local Children's Services Council  
20 or its equivalent;

21 (j) A parent of a child who is enrolled in a publicly  
22 funded early learning program;

23 (k) A representative of family child care homes; and

24 (l) A minimum of four representatives of the private  
25 business community who do not derive their income from the  
26 delivery of early childhood education.

27 (3) The members must be geographically and  
28 demographically representative of the state. The governor may  
29 appoint additional members to ensure balanced representation.  
30  
31

1           (4) Members are subject to the code of ethics for  
2 public officers and employees as set forth in part III of  
3 chapter 112.

4           (5) Members shall serve 3-year terms, except that half  
5 of the members shall have initial appointments of 2 years.  
6 Members may be reappointed for one additional 3-year term.

7           (6) Members shall serve without compensation but are  
8 entitled to reimbursement for per diem and travel expenses  
9 incurred in the performance of their duties as provided in s.  
10 112.061, and reimbursement for other reasonable, necessary,  
11 and actual expenses.

12           Section 7. Section 1014.05, Florida Statutes, is  
13 created to read:

14           1014.05 Parental involvement.--Parental involvement is  
15 critical to a child's readiness to learn. Therefore, this  
16 chapter does not limit the role of a child's parents as his or  
17 her first teachers.

18           (1) In order to promote opportunities for effective  
19 parental involvement, early learning councils shall make  
20 available to parents information sufficient for them to make  
21 informed choices about their child's participation in early  
22 learning programs. This information shall include:

23           (a) Information required by s. 402.3125 regarding the  
24 licensure of child care centers and family child care homes;

25           (b) Related community resources available to meet the  
26 parent's and child's needs; and

27           (c) The requirements of the consumer protection system  
28 for the voluntary universal prekindergarten program, under s.  
29 1014.22.

30           (2) Parents are expected to be active participants in  
31 the early learning program in which they enroll their child.

1 Early learning program providers must ensure that  
2 opportunities are made available for parents to support their  
3 child in developing literacy skills and achieving other early  
4 learning objectives.

5 Section 8. Section 1014.06, Florida Statutes, is  
6 created to read:

7 1014.06 Early learning personnel; training  
8 requirements.--

9 (1) The State Board of Education shall adopt rules  
10 prescribing minimum standards for the training of early  
11 learning personnel. These standards shall ensure that each of  
12 the following early learning personnel successfully completes  
13 an approved introductory course in early childhood education,  
14 as evidenced by passage of a competency examination:

15 (a) Directors and other early childhood education  
16 personnel of child care centers.

17 (b) Directors and other early childhood education  
18 personnel of specialized child care centers for mildly ill  
19 children.

20 (c) Operators of family child care homes.

21 (d) Operators of large family child care homes.

22  
23 These minimum training standards do not apply to certain  
24 occasional or part-time support staff, including, but not  
25 limited to, swimming instructors, piano teachers, dance  
26 instructors, and gymnastics instructors. Universities,  
27 community colleges, school districts, and private providers  
28 may coordinate or provide this training.

29 (2) The department shall grant exemptions from all or  
30 a portion of the required training to a director or other  
31 early childhood education personnel of a child care center or

1 a specialized child care center for mildly ill children, or an  
2 operator of a large family child care home or a family child  
3 care home, based upon educational credentials or passage of  
4 competency examinations. A director, other early childhood  
5 education personnel, or an operator who possesses a 2-year  
6 degree or higher that includes 6 college credit hours in early  
7 child development or child growth and development, or a child  
8 development associate credential, an equivalent state-approved  
9 child development associate credential, or a child development  
10 associate waiver certificate shall be automatically exempted  
11 from the training requirements in paragraphs (3)(b), (3)(d),  
12 and (3)(e).

13 (3) The introductory course for directors, other early  
14 childhood education personnel, and operators of large family  
15 child care homes shall be 45 clock hours. The introductory  
16 course for operators of family child care homes shall be 30  
17 clock hours. Each approved introductory course must cover at  
18 least the following topics:

19 (a) State and local rules and regulations governing  
20 early learning programs.

21 (b) Health, safety, and nutrition.

22 (c) Identifying and reporting child abuse and neglect.

23 (d) Early learning, including typical and atypical  
24 language, cognitive, motor, social, and self-help skills  
25 development.

26 (e) Observation of developmental behavior, including  
27 the use of a checklist or other similar observation tools and  
28 techniques to determine the child's developmental age level.

29 (f) Early literacy and language development of  
30 children from birth to 5 years of age.

31



1           (g) Other specialized areas as determined by the State  
2 Board of Education. For directors and early childhood  
3 education personnel the specialized topics must include  
4 computer technology for professional and classroom use.

5           (h) The introductory course for directors and other  
6 early childhood education personnel shall emphasize, to the  
7 maximum extent practicable, an interdisciplinary approach to  
8 the study of children.

9           (4)(a) Each operator of a family child care home must  
10 successfully complete the training required under this  
11 section, as evidenced by passage of the competency  
12 examination, before providing early learning programs to a  
13 child.

14           (b) Each director or other early childhood education  
15 personnel and each operator of a large family child care home,  
16 shall:

17           1. Begin training to satisfy the training requirements  
18 within 90 days after initial employment in a facility in this  
19 state covered by this section; and

20           2. Successfully complete the training required under  
21 this section, as evidenced by passage of the competency  
22 examination, within 1 year after the date the training began.

23           (5)(a) In order to further their early learning  
24 programs and, if appropriate, administrative skills, each  
25 director, other early childhood education personnel, and each  
26 operator required to be trained under this section who has  
27 completed the introductory training must annually complete an  
28 additional one unit of continuing education of an approved  
29 inservice training course, or 10 clock hours of equivalent  
30 training, as determined by the State Board of Education.

31

1           (b) Each director, other early childhood education  
2 personnel, and each operator required to be trained under this  
3 section must complete 0.5 continuing education units of  
4 approved training or 5 clock hours of equivalent training, as  
5 determined by the department, in early literacy and language  
6 development of children from birth to 5 years of age.

7           Section 9. Section 1014.061, Florida Statutes, is  
8 created to read:

9           1014.061 Child development associate and child  
10 development associate equivalent curriculum.--

11           (1)(a) The Department of Education shall conduct a  
12 review of all currently approved child development associate  
13 and child development associate equivalent educational  
14 programs, and any corresponding state requirements, in order  
15 to assess the curriculum and testing requirements. The  
16 department shall develop methods to improve these requirements  
17 and procedures. The review shall be conducted every 3 years.

18           (b) The review shall include, but is not limited to, a  
19 determination of the accessibility, quality, scope, and  
20 sources of current training; a determination of the need for  
21 specialty training; and a determination of ways to increase  
22 inservice training and ways to increase the accessibility,  
23 quality, and cost-effectiveness of current and proposed  
24 training.

25           (2)(a) The State Board of Education shall adopt rules  
26 establishing curriculum standards for the approval and renewal  
27 of child development associate and child development associate  
28 equivalent credential programs.

29           (b) The curriculum standards for the child development  
30 associate equivalent credential shall include a requirement to  
31 successfully complete a competency based examination for which

1 a professional certificate will be awarded. The curriculum  
2 standards and renewal requirements for the state-approved  
3 child development associate equivalent credential must include  
4 literacy education, effective practices for increasing  
5 parental involvement, and strategies to meet the needs of  
6 non-English-speaking children and children with disabilities.  
7 Universities, community colleges, school districts, and  
8 private providers may provide training for professional  
9 development.

10 Section 10. Section 1014.062, Florida Statutes, is  
11 created to read:

12 1014.062 Early learning trainer qualifications.--

13 (1) An early learning professional who teaches an  
14 approved 45 clock-hour introductory course, a child  
15 development associate credential, or an equivalent  
16 state-approved child development associate credential shall:

17 (a) Be at least 21 years old;

18 (b) Complete the appropriate training course developed  
19 by the Department of Education; and

20 (c) Satisfy one of the following combinations of  
21 education and practical experience:

22 1. A 4-year college degree or higher with 6 college  
23 credit hours in early childhood education and 480 hours'  
24 experience in a child care setting serving children ages birth  
25 through 5 years of age or a teaching certificate.

26 2. An Associate of Arts or Associate of Science degree  
27 in child development and 480 hours' experience in a child care  
28 setting serving children birth through 5 years of age.

29 3. An Associate of Arts or Associate of Science degree  
30 with 6 college credit hours' in early childhood education and  
31

1 960 hours' experience in a child care setting serving children  
2 birth through 5 years of age.

3 (2) The trainer's qualifications must be verified by  
4 the training coordinating agency.

5 Section 11. Section 1014.063, Florida Statutes, is  
6 created to read:

7 1014.063 Early learning personnel training  
8 capacity.--The department shall conduct an evaluation of  
9 training requirements and testing procedures for early  
10 learning personnel in order to assess the status of this  
11 training and testing and to develop methods for improving  
12 these requirements and procedures. The evaluation shall be  
13 conducted every 3 years and shall include, but is not limited  
14 to, a determination of the accessibility, quality, scope, and  
15 sources of current training; a determination of the need for  
16 specialty training; and a determination of ways to increase  
17 inservice training and accessibility, quality, and  
18 cost-effectiveness of current and proposed training.

19 Section 12. Section 1014.064, Florida Statutes, is  
20 created to read:

21 1014.064 Articulation.--The State Board of Education  
22 shall develop guidelines for the articulation required in this  
23 subsection which maximize local flexibility in developing  
24 inter-institutional articulation agreements while assuring  
25 students in the field of early learning the ability to proceed  
26 toward their higher educational and professional objectives.  
27 The State Board of Education shall adopt a rule for a  
28 statewide articulation agreement in which:

29 (1) Successful completion of the 45 clock-hour  
30 introductory course shall reduce the number of hours required  
31 for the equivalent state-approved child development associate

1 credential by 45 hours. The specific competencies into which  
2 the hours articulate shall be determined by the State Board of  
3 Education.

4 (2) Successful completion of a child development  
5 associate credential or an equivalent state-approved child  
6 development associate credential shall articulate into a  
7 minimum of 12 community college credit hours in early  
8 childhood education. The specific courses into which the  
9 credits articulate shall be determined by the local community  
10 college.

11 (3) Successful completion of an associate degree in  
12 early childhood education shall articulate into the  
13 appropriate state university baccalaureate degree program.

14 Section 13. Section 1014.065, Florida Statutes, is  
15 created to read:

16 1014.065 Experience credit.--

17 (1) The State Board of Education shall adopt a rule to  
18 develop a procedure by which early learning personnel who have  
19 completed the introductory training program before June 30,  
20 1999, and who have been employed for not less than 5 years as  
21 early childhood education personnel may have the opportunity  
22 to earn an equivalent state-approved child development  
23 associate credential. The procedure shall, at a minimum,  
24 include:

25 (a) A procedure for applying for and determining  
26 eligibility for the equivalent state-approved child  
27 development associate credential; and

28 (b) A method of measuring competency that includes  
29 observation of the applicant in an early learning setting by a  
30 qualified observer and successful completion of the child  
31 development associate equivalent competency-based examination.

1           (2) This section is repealed June 30, 2009, unless  
2 reenacted by the Legislature.

3           Section 14. Section 402.3017, Florida Statutes, is  
4 transferred, renumbered as section 1014.07, Florida Statutes,  
5 and amended to read:

6           1014.07 ~~402.3017~~ Early learning quality initiatives;  
7 Teacher Education and Compensation Helps (TEACH) Early  
8 Childhood Project ~~scholarship program.--~~

9           ~~(1) The Legislature finds that the level of early~~  
10 ~~child care teacher education and training is a key predictor~~  
11 ~~for determining program quality. The Legislature also finds~~  
12 ~~that low wages for child care workers prevent many from~~  
13 ~~obtaining increased training and education and contribute to~~  
14 ~~high turnover rates. The Legislature therefore intends to~~  
15 ~~help fund a program which links teacher training and education~~  
16 ~~to compensation and commitment to the field of early childhood~~  
17 ~~education.~~

18           ~~(1)(2) The department may of Children and Family~~  
19 ~~Services is authorized to contract for the administration of~~  
20 ~~the Teacher Education and Compensation Helps (TEACH) Early~~  
21 ~~Childhood Project. The project shall be based upon the~~  
22 ~~national model and shall provide scholarship program, which~~  
23 ~~provides educational scholarships to early childhood education~~  
24 ~~personnel caregivers and administrators of early childhood~~  
25 ~~programs, family day care homes, and large family child care~~  
26 ~~homes.~~

27           (2) The department may contract for the administration  
28 of the Home Instruction for Parents of Preschool Youngsters  
29 (HIPPY) program. The program shall be based on its national  
30 model and encourage parental involvement in early learning  
31

1 programs by providing parents with assistance in preparing  
2 their children for school.

3 (3) The department may ~~shall~~ adopt rules ~~as necessary~~  
4 to administer ~~implement~~ this section.

5 ~~(4) For the 2003-2004 fiscal year only, the Agency for~~  
6 ~~Workforce Innovation shall administer this section. This~~  
7 ~~subsection expires July 1, 2004.~~

8 Section 15. Section 1014.08, Florida Statutes, is  
9 created to read:

10 1014.08 Accountability.--

11 (1) LEGISLATIVE INTENT.--It is the intent of the  
12 Legislature that:

13 (a) The performance accountability system implemented  
14 to assess the effectiveness of this state's publicly funded  
15 early learning programs, including the voluntary universal  
16 prekindergarten program, must answer the following questions:

17 1. What is the public receiving in return for funds it  
18 invests in early learning programs?

19 2. How effective are publicly funded early learning  
20 programs and providers in preparing a child to be "ready" for  
21 kindergarten?

22 3. How effective and efficient are local early  
23 learning councils in meeting performance standards established  
24 by the State Board of Education?

25 4. How effective and efficient are the State Board of  
26 Education and Commissioner of Education in administering and  
27 supporting publicly funded early learning programs?

28 (b) The State Board of Education shall recommend to  
29 the Legislature, no later than January 1, 2005, performance  
30 measures and standards for publicly funded early learning  
31 programs including components identified in paragraph (a).

1           (c) The Legislature must adopt, no later than June 30,  
2 2005, performance measures and standards for publicly funded  
3 early learning. The measures and standards adopted by the  
4 Legislature shall provide the public with information about  
5 what the public is receiving in return for the funds it  
6 invests in early learning programs. It is also the intent of  
7 the Legislature that the performance measures and standards  
8 address the issues identified in paragraph (a).

9           (d) Each early learning council shall conduct an  
10 annual evaluation of the effectiveness of its publicly funded  
11 early childhood education programs. The results of the  
12 evaluations shall be submitted in the manner prescribed by the  
13 Department of Education and made available to the public upon  
14 request. The evaluation must include the components prescribed  
15 by the State Board of Education and, at a minimum, measures of  
16 the following:

17           1. A child's achievement as measured by  
18 age-appropriate assessments upon entry into the program and  
19 upon completion of the program; and

20           2. A child's readiness for kindergarten as measured by  
21 the instrument adopted by the State Board of Education to  
22 assess the school readiness of all children entering  
23 kindergarten.

24           (2) SYSTEMWIDE DATA COLLECTION.--Early learning  
25 councils and state-funded providers shall maintain information  
26 systems that will provide the State Board of Education and the  
27 Legislature with information and reports necessary to address  
28 the specifications of the accountability system. The State  
29 Board of Education shall determine the standards for the  
30 required data.

31



1           (3) RULES.--The State Board of Education shall adopt  
2 rules to administer this section.

3           Section 16. Section 411.0105, Florida Statutes, is  
4 transferred, renumbered as section 1014.09, Florida Statutes,  
5 and amended to read:

6           1014.09 ~~411.0105~~ Federal designation Early Learning  
7 ~~Opportunities Act and Even Start Family Literacy Programs;~~  
8 lead agency responsibilities.--The Governor may designate the  
9 Department of Education as the lead agency for the purpose of  
10 administering the federal Child Care and Development Fund, 45  
11 C.F.R. parts 98 and 99, and the federal Early Learning  
12 Opportunities Act, 20 U.S.C. ss. 9401-9413. If the department  
13 is designated the lead agency, the department must comply with  
14 the lead agency responsibilities set forth in federal law. For  
15 ~~purposes of administration of the Early Learning Opportunities~~  
16 ~~Act and the Even Start Family Literacy Programs, pursuant to~~  
17 ~~Pub. L. No. 106-554, the Agency for Workforce Innovation is~~  
18 ~~designated as the lead agency and must comply with lead agency~~  
19 ~~responsibilities pursuant to federal law.~~

20           Section 17. Section 1014.10, Florida Statutes, is  
21 created to read:

22           1014.10 Conflicts with federal law.--If any provision  
23 of this chapter conflicts with federal laws or regulations,  
24 the federal laws or regulations will take precedence to the  
25 extent of the conflict until the conflict is resolved.

26           Section 18. Part II of chapter 1014, Florida Statutes,  
27 shall be entitled "Voluntary Universal Prekindergarten  
28 Program" and shall consist of sections 1014.21-1014.33,  
29 Florida Statutes.

30           Section 19. Section 1014.21, Florida Statutes, is  
31 created to read:

1           1014.21 Legislative intent.--

2           (1) The voluntary universal prekindergarten program  
3 shall provide a high-quality prekindergarten learning  
4 opportunity that is voluntary and free for every child in this  
5 state who is 4 years of age.

6           (2) The program must be organized, designed, and  
7 delivered in accordance with Sections 1(b) and (c), Article  
8 IX, of the State Constitution.

9           (3) It is the goal of the Legislature that 90 percent  
10 of the children who participate in the voluntary universal  
11 prekindergarten program are assessed as "ready" upon entering  
12 kindergarten.

13           (4) The Legislature recognizes that high-quality  
14 voluntary universal prekindergarten increases a child's chance  
15 of achieving future educational success and becoming a  
16 productive member of society. It is the intent of the  
17 Legislature that the program be developmentally appropriate,  
18 prevent or reduce the risk of future school failure, enhance  
19 the educational readiness of all children, and support family  
20 education and the involvement of parents in their child's  
21 educational progress.

22           (5) The Legislature recognizes that there is a strong  
23 relationship between the skill and preparation of the staff of  
24 an early learning program and the educational outcomes of  
25 children attending early learning programs. To improve  
26 educational outcomes, the Legislature intends that all early  
27 learning staff continually improve their skills and  
28 preparation through education and training so that in 5 years,  
29 at least one staff member in each classroom will have at least  
30 an associate's degree in the field of early childhood  
31 education or child development and, in 8 years, at least one

1 staff member in each classroom will have a bachelor's degree  
2 in the field of early childhood education or child  
3 development.

4 (6) It is the intent of the Legislature that the  
5 prekindergarten program not exist in isolation from other  
6 children's programs. Rather, it is the intent of the  
7 Legislature that the prekindergarten program coordinate with  
8 existing services and work in cooperation with other programs  
9 for young children.

10 Section 20. Section 1014.215, Florida Statutes, is  
11 created to read:

12 1014.215 Parental rights and choices;  
13 responsibilities.--

14 (1) The voluntary universal prekindergarten program is  
15 intended to assist and support parents in fulfilling their  
16 role as their child's first teachers.

17 (2) Parents must be given information to help them to  
18 make an informed choice among available prekindergarten  
19 program sites and providers.

20 (3) Parents should receive periodic assessments of  
21 their child's progress and his or her developmental and  
22 educational needs. When necessary and appropriate, parents  
23 should be offered assistance in interpreting assessment  
24 information and in accessing resources to address their  
25 child's needs.

26 (4) Universal prekindergarten is a voluntary program  
27 and parents who choose to have their 4-year-old child  
28 participate are responsible for their child's experiencing a  
29 high-quality learning opportunity. In selecting a voluntary  
30 universal prekindergarten service provider, the parent or  
31 guardian should:

1       (a) Be aware of the range of eligible public, private,  
2 and faith-based programs;

3       (b) Verify that providers meet all program eligibility  
4 requirements under this act;

5       (c) Review program performance data. This data may  
6 include performance results on the required school readiness  
7 screening administered upon entry into public kindergarten,  
8 and other program evaluations, of children who were served by  
9 the provider;

10       (d) Verify that the provider's license is current;

11       (e) Talk with other parents about their child's  
12 experience with the provider; and

13       (f) Select the provider that is most appropriate for  
14 their child.

15       Section 21. Section 1014.22, Florida Statutes, is  
16 created to read:

17       1014.22 Consumer protection; Department of Education;  
18 parents and guardians.--

19       (1) DEPARTMENT OF EDUCATION OBLIGATIONS.--

20       (a) The Department of Education shall create and  
21 administer a consumer education and protection program to  
22 assist families and guardians in making informed decisions  
23 about participating in the voluntary universal prekindergarten  
24 program. The program shall include a variety of strategies  
25 that, at a minimum, communicate the characteristics of a high  
26 quality program, application information, and program  
27 eligibility criteria.

28       (b) The Department of Education shall establish a  
29 toll-free hotline and Internet website to answer questions and  
30 provide information regarding the voluntary universal  
31 prekindergarten program. This hotline shall be separate but

1 should be accessible from the single point of entry system.  
2 The statewide resource and referral system provided under s.  
3 1014.48 shall also include information about voluntary  
4 prekindergarten programs and providers.

5 (2) PROVIDER OBLIGATIONS.--

6 (a) Each provider must communicate objective  
7 information about its programs to parents who wish to  
8 participate in the voluntary prekindergarten education  
9 program.

10 (b) Each participating provider must give parents,  
11 upon request, documentation showing that the provider meets  
12 all program eligibility criteria set forth in s. 1014.27.

13 Section 22. Section 1014.23, Florida Statutes, is  
14 created to read:

15 1014.23 Service delivery and design.--

16 (1) Voluntary universal prekindergarten program  
17 services shall be provided by a diverse network of high  
18 quality private not-for-profit, private for-profit,  
19 faith-based, and public providers. This diversity is necessary  
20 to support parental choice and maximize use of existing  
21 program capacity and community resources.

22 (2) The department shall encourage and support  
23 partnerships among early learning councils, local governments,  
24 community and faith-based organizations, private schools and  
25 early learning providers, public schools, and businesses to  
26 ensure that the quantity of high quality services is adequate  
27 to meet anticipated demand for voluntary universal  
28 prekindergarten.

29 Section 23. Section 1014.24, Florida Statutes, is  
30 created to read:

31 1014.24 Community partnerships.--

1           (1) The voluntary universal prekindergarten program  
2 shall address the physical, behavioral, and developmental  
3 needs of participating children by coordinating with and  
4 referring to other local and state agencies or community-based  
5 partnerships designed to serve these children.

6           (2) Each provider shall implement procedures to refer  
7 a child who needs additional support services to appropriate  
8 community service providers, including, but not limited to,  
9 public health departments, providers of early intervention  
10 services, and publicly funded providers of behavioral or  
11 developmental services. The statewide resource and referral  
12 system shall include guidelines and procedures for referring  
13 children for support services.

14           (3) The application used by parents for voluntary  
15 universal prekindergarten program enrollment must include an  
16 inventory of their child's needs and service history so that  
17 program service providers can identify referral needs.

18           Section 24. Section 1014.25, Florida Statutes, is  
19 created to read:

20           1014.25 Eligibility and application for services.--

21           (1) A child who is a resident of this state and  
22 reaches the age of 4 years on or before September 1 of the  
23 school year is eligible for admission to the voluntary  
24 universal prekindergarten education program for that school  
25 year.

26           (2) Before the school year begins, parents of an  
27 eligible child may apply for admission to the voluntary  
28 universal prekindergarten program.

29           (3) The State Board of Education shall adopt rules  
30 establishing the procedures for applying to the voluntary  
31

1 universal prekindergarten program. The rules shall include,  
2 but are not limited to, the following:

3 (a) The form of the application;

4 (b) The application time period; and

5 (c) The procedures for receiving and processing the  
6 applications.

7 (4) The Department of Education shall make information  
8 about the application process accessible to the public through  
9 a public information program that includes print and  
10 electronic media and the Internet.

11 Section 25. Section 1014.26, Florida Statutes, is  
12 created to read:

13 1014.26 Voluntary universal prekindergarten education  
14 program; child expectations; curricula; transition to  
15 kindergarten.--

16 (1)(a) The voluntary universal prekindergarten program  
17 shall be designed to address and enhance each child's ability  
18 to make age-appropriate progress, provide development of  
19 language and cognitive capabilities, and provide education in  
20 basic and other appropriate skills through high-quality  
21 learning experiences that build upon a child's interests and  
22 skills.

23 (b) To define age-appropriate expectations that will  
24 enable children to be ready for school, the Department of  
25 Education shall cooperate with the Florida Center for Reading  
26 Research to review the Florida School Readiness Performance  
27 Standards for Three-, Four-, and Five-Year-Old Children 2002  
28 in order to propose additional or revised standards that  
29 emphasize early literacy and oral language skills, including  
30 vocabulary development. The State Board of Education shall  
31

1 adopt these literacy and language standards for use in the  
2 state's voluntary universal prekindergarten program.

3 (2) Curricula used in voluntary universal  
4 prekindergarten programs shall be age-appropriate,  
5 literacy-focused, and responsive to children with special  
6 needs, including children with disabilities and those whose  
7 first language is other than English. The curricula shall be  
8 aligned with the expected child outcomes, as referenced in  
9 paragraph (1)(b). The State Board of Education shall:

10 (a) Identify curricula that meets the adopted  
11 standards;

12 (b) Provide a mechanism for review and approval of  
13 additional curricula proposed for use in voluntary universal  
14 prekindergarten programs; and

15 (c) Ensure that all voluntary universal  
16 prekindergarten education programs use curricula that meet the  
17 adopted standards.

18 (3) Information relating to a child's progress in a  
19 voluntary universal prekindergarten program shall be given to  
20 the child's parent on a regular basis and shall be provided,  
21 in the manner prescribed by the Department of Education, to  
22 the school at which the child enrolls for kindergarten.

23 Section 26. Section 1014.27, Florida Statutes, is  
24 created to read:

25 1014.27 Program provider eligibility criteria.--For a  
26 provider to be eligible to participate in the voluntary  
27 universal prekindergarten program and to receive state funds,  
28 the provider must be physically located in this state and  
29 must:

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1       (1) Be in operation for at least 1 year or be part of  
2 a corporation with early learning program providers in this  
3 state before June 2004.

4       (2) Meet the Gold Seal standards under s. 387.24 by  
5 the 2006-2007 school year.

6       (3) Have a minimum staff-to-child ratio of one staff  
7 person for each ten children and serve at least five children.

8       (4) Beginning with the 2005-2006 school year, ensure  
9 that at least one instructional staff for each ten children  
10 has a minimum staff credential of:

11           (a) A child development associate credential; or

12           (b) A credential that is equivalent to or greater than  
13 the child development associate credential.

14       (5) Beginning with the 2006-2007 school year, a least  
15 two staff members who meet the minimum staff credential  
16 described in subsection (4) are required for classes of 11 to  
17 20 children.

18       (6) Use a curriculum that meets the standards set by  
19 the State Board of Education under s. 1014.26.

20       (7) Provide parents regular periodic information on  
21 the child's progress towards attaining age-appropriate  
22 developmental and early learning outcomes consistent with s.  
23 1014.26.

24       (8) Establish an information and referral process  
25 regarding wrap-around services for children who need support  
26 beyond what is provided in the voluntary universal  
27 prekindergarten program.

28           (9) Provide opportunities for parental involvement.

29           (10) Cultivate and leverage community partnerships.

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1           (11) Annually register with the appropriate early  
2 learning council. Each owner or operator must provide the  
3 following information:

4           (a) The legal business and trade names, mailing  
5 address, and principal business location of the early learning  
6 program;

7           (b) The full name, address, and telephone number of  
8 each owner or operator of the provider; and

9           (c) A notification of the provider's intent to  
10 participate in the program under this section.

11           (12) Offer a program that is 180 days in length and 4  
12 hours per day or 720 hours per year.

13           (13) Comply with applicable state and local health and  
14 safety laws, rules, and codes.

15           Section 27. Section 1014.28, Florida Statutes, is  
16 created to read:

17           1014.28 Transportation.--

18           (1) Voluntary universal prekindergarten providers may  
19 not use program funds to provide transportation services or to  
20 purchase motor vehicles. Voluntary universal prekindergarten  
21 providers may provide transportation services through other  
22 funds, including local funds or parent fees.

23           (2) Children who are from economically disadvantaged  
24 families as defined in s. 1014.40(2) may have the cost of  
25 their transportation reimbursed under s. 1014.42.

26           Section 28. Section 1014.29, Florida Statutes, is  
27 created to read:

28           1014.29 Financial matters.--

29           (1)(a) In order to maximize parental choice, a voucher  
30 in the amount determined by the Legislature in the General  
31 Appropriations Act shall be awarded to the parents of each

1 child who participates in a voluntary universal  
2 prekindergarten program. Payment for the voucher shall be made  
3 to the parent for the voluntary universal prekindergarten  
4 provider of the parent's choice, or, if the parent so chooses,  
5 directly to the provider.

6 (b) Each provider intending to operate a voluntary  
7 universal prekindergarten program must sign a funding  
8 agreement each year that requires, at a minimum:

9 1. Documentation that the provider meets the  
10 eligibility criteria set forth in s. 1014.27; and

11 2. A clear statement certifying that the provider will  
12 not charge the parents more than what the state pays for each  
13 child. However, the certification does not apply to the fees  
14 charged for transportation, food, or field trips or for late  
15 pick-up fees or other related fees.

16 (2) No liability arises on the part of the state for  
17 any use of a voucher for a voluntary universal prekindergarten  
18 program.

19 Section 29. Section 1014.30, Florida Statutes, is  
20 created to read:

21 1014.30 Budgeting.--All funds associated with the  
22 voluntary universal prekindergarten program must be  
23 appropriated in a single and separate budget entity.

24 Section 30. Section 1014.31, Florida Statutes, is  
25 created to read:

26 1014.31 Voluntary universal prekindergarten capacity  
27 assessment.--

28 (1) Each year the State Board of Education shall  
29 assess the state's capacity to provide high quality voluntary  
30 universal prekindergarten programs. This assessment must  
31 include:

1           (a) The capacity of early childhood education  
2 providers to serve the projected 4-year-old population;

3           (b) The capacity of educational institutions and other  
4 training institutions to prepare highly qualified personnel  
5 for early learning, under s. 1014.06; and

6           (c) The capacity needs of each county.

7           (2) The State Board of Education shall develop the  
8 assessment in partnership with local government, business,  
9 community and faith-based organizations, and postsecondary  
10 educational institutions.

11           (3) The State Board of Education shall report the  
12 findings of this assessment and any recommendations to improve  
13 the state's capacity to provide high quality voluntary  
14 universal prekindergarten programs derived from the assessment  
15 to the Governor, the President of the Senate, and the Speaker  
16 of the House of Representatives on or before September 30 each  
17 year.

18           Section 31. Section 1014.32, Florida Statutes, is  
19 created to read:

20           1014.32 Targeted occupation list.--Workforce Florida,  
21 Inc., shall recognize credentialed placement in the field of  
22 early learning as a high skill occupation for purposes of  
23 performance outcome measures under s. 1011.80(4)(c).

24           Section 32. Part III of chapter 1014, Florida  
25 Statutes, shall be entitled "Early Childhood Education" and  
26 shall consist of sections 1014.40-1014.54, Florida Statutes.

27           Section 33. Section 1014.40, Florida Statutes, is  
28 created to read:

29           1014.40 Definitions.--As used in this part, the term:

30           (1) "Central agency" means a community child care  
31 coordinating agency, which was established under the former

1 subsidized child care program of the Department of Children  
2 and Family Services.

3 (2) "Economically disadvantaged" means having a family  
4 income that does not exceed 150 percent of the federal poverty  
5 level.

6 Section 34. Section 1014.41, Florida Statutes, is  
7 created to read:

8 1014.41 Early learning councils.--Effective January 1,  
9 2005, local governance of early learning shall be assumed by  
10 no more than 28 early learning councils.

11 (1) Each early learning council is responsible for  
12 complying with applicable laws and State Board of Education  
13 rules relating to early childhood education at the local  
14 level. In performing its duties, each early learning council  
15 must submit, in a timely manner, any information requested by  
16 the State Board of Education or the department relating to  
17 compliance accountability and consumer protection.

18 (2) Each early learning council shall provide  
19 oversight and accountability for early childhood education at  
20 the local level. The oversight and accountability activities  
21 must include, but need not be limited to:

22 (a) Maintaining accurate records, including those  
23 records necessary to document fiscal and programmatic  
24 accountability and compliance with laws and rules governing  
25 local providers of early childhood education.

26 (b) Providing representation of a fiscal agent, if  
27 necessary, in compliance with s. 1014.52.

28 (c) Retaining legal representation, if necessary, for  
29 the review and implementation of contracts.

30 (d) Implementing a system of consumer protection as  
31 provided in s. 1014.22.

1           (e) Preparing an annual financial and compliance audit  
2 of all accounts and records. The annual financial and  
3 compliance audit must be conducted by an independent certified  
4 public accountant and performed in accordance with rules  
5 adopted by the Auditor General.

6           (3) Each early learning council shall have as many  
7 members as may be required, but must include:

8           (a) A district administrator of the Department of  
9 Children and Family Services or his or her designee who is  
10 authorized to make decisions on behalf of the department.

11           (b) A superintendent of schools or his or her designee  
12 who is authorized to make decisions on behalf of the  
13 superintendent.

14           (c) An executive director of a regional workforce  
15 development board.

16           (d) The director of a county health department or his  
17 or her designee.

18           (e) The chairperson of the children's services council  
19 or the chairperson or executive director of the juvenile  
20 welfare board, if applicable.

21           (f) A local child care licensing agency head, if  
22 applicable.

23           (g) A president of a community college or designated  
24 representative.

25           (h) A representative of a program for children with  
26 disabilities under the Individuals with Disabilities Education  
27 Act.

28           (i) A parent or guardian of a child who participates  
29 in a publicly funded early learning program.

30           (j) The administrator of a central child care agency.

31           (k) A Head Start director.

1           (l) A representative of private child care providers.

2           (m) A representative of faith-based child care  
3 providers.

4           (n) A representative of family day care home  
5 providers.

6           (4) The Governor shall appoint the 14 members listed  
7 in subsection (3) for each local council no later than January  
8 1, 2005. The members shall be appointed to 4-year terms,  
9 except that one-third of the initial appointees shall be  
10 appointed to 2-year terms, one-third shall be appointed to  
11 3-year terms, and one-third shall be appointed to 4-year  
12 terms. These 14 members shall appoint the other council  
13 members.

14           (5) A majority of local council members shall be  
15 persons who do not have a substantial financial interest in  
16 the design or delivery of public or private early learning  
17 services in this state. These members and their families may  
18 not earn an income from the early learning programs. To  
19 satisfy this requirement a council must appoint additional  
20 members from a list of nominees presented to the council by  
21 chambers of commerce or economic development councils within  
22 the geographic area of the council. The chair of the council  
23 must be chosen from among the majority that does not have a  
24 financial interest in the design or delivery of public or  
25 private early learning services.

26           (6) A member of a council may not appoint a designee  
27 to act in his or her place unless specifically provided in  
28 this act. A member may send a representative to council  
29 meetings, but that representative has no voting privileges.

30           (7) Members of the council are subject to the  
31 provisions in part III of chapter 112. It is the duty of all

1 members of the local coalition board to report all possible or  
2 apparent conflicts to the chair and to recuse themselves from  
3 participating in council activities related to their areas of  
4 conflict. A conflict is deemed to exist if the council member  
5 represents any organization, whether as an employee, officer,  
6 or director, that receives financial compensation or business  
7 for services rendered to the organization or has direct or  
8 indirect interest in action to be taken by the council.

9 (8) For the purposes of tort liability, the members of  
10 the council and its employees shall be governed by s. 768.28.

11 (9) Each council shall include representation from  
12 each county in the service area.

13 (10) Appointed members may serve a maximum of two  
14 terms. When a vacancy occurs in an appointed position, the  
15 Governor shall fill the vacancy. When a vacancy occurs in a  
16 nonappointed position, the vacancy shall be publicly  
17 advertised for a minimum of 14 calendar days.

18 Section 35. Section 1014.42, Florida Statutes, is  
19 created to read:

20 1014.42 Local council transition.--

21 (1) Each local school readiness coalition established  
22 under s. 411.01(5), shall transition itself into an early  
23 learning council between July 1, 2004, and December 31, 2004.

24 (2) The executive directors of the school readiness  
25 coalitions shall submit a plan to the Commissioner of  
26 Education for consolidating the school readiness coalitions  
27 into 28 early learning councils by October 1, 2004. A school  
28 readiness coalition that does not agree with the consolidation  
29 plan shall be assigned to an early learning council region by  
30 the commissioner.

31



1           (3) All facilities, equipment, and other resources  
2 purchased by a local school readiness coalition using state or  
3 federal child care or school readiness funding shall be  
4 transferred to the early learning council that assumes  
5 responsibility for the county or multicounty area previously  
6 served by the local school readiness coalition.

7           (4) If a multicounty local school readiness coalition  
8 region is divided between two or more early learning council  
9 service areas, each early learning council shall receive the  
10 share of the facilities, equipment, and other resources that  
11 is apportioned to the county or counties for which it assumes  
12 jurisdiction. Any disagreements regarding resource allocation  
13 shall be resolved by the Chancellor for Early Learning.

14           (5) This section does not create a private cause of  
15 action or any rights for individuals or entities in addition  
16 to those provided elsewhere in law or rule.

17           Section 36. Section 1014.43, Florida Statutes, is  
18 created to read:

19           1014.43 Early childhood education expectations.--Each  
20 early learning council shall provide public funds to early  
21 childhood education programs that meet the following  
22 expectations:

23           (1) The services offered must prepare preschool  
24 children to enter kindergarten ready to learn, as measured by  
25 the performance standards and outcome measures adopted by the  
26 State Board of Education under s. 1014.08.

27           (2) The services must be developmentally appropriate  
28 and scientifically based, involve parents as their child's  
29 first teacher, serve as a preventive measure for children at  
30 risk of future school failure, enhance the educational  
31 readiness of eligible children, and support family education.

1           (3) The services must offer extended-day and  
2 extended-year options to the maximum extent practicable,  
3 within funding limitations and without compromising the  
4 quality of the program, to meet the needs of parents who work.

5           (4) The services must assist families to access  
6 community services and resources to help them achieve economic  
7 self-sufficiency.

8           (5) The services must allow persons with an early  
9 childhood teaching certificate to provide support and  
10 supervision to other staff.

11           (6) The services must provide for coordinated staff  
12 development and teaching opportunities.

13           (7) The services must meet all state licensing  
14 guidelines, if applicable.

15           Section 37. Section 1014.44, Florida Statutes, is  
16 created to read:

17           1014.44 Early childhood education priority for  
18 participation.--Each early learning council shall give  
19 priority for participation in a publicly funded early  
20 childhood education program, in the following order:

21           (1) Priority shall be given first to a child from a  
22 family in which there is an adult who is subject to federal  
23 work requirements and is receiving temporary cash assistance.

24           (2) Priority shall be given next to a child who is  
25 served by the Family Safety Program Office of the Department  
26 of Children and Family Services or a community-based lead  
27 agency under chapter 39 and for whom early childhood education  
28 is needed to minimize the risk of further abuse, neglect, or  
29 abandonment.

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1           (3) Subsequent priority shall be given to a child  
2 younger than kindergarten eligibility who meets one or more of  
3 the following criteria:

4           (a) A child who is not included for priority in  
5 subsection (2), but who is at risk of abuse, neglect, or  
6 exploitation and who is currently a client of the Family  
7 Safety Program Office of the Department of Children and Family  
8 Services.

9           (b) A child at risk of welfare dependency, including  
10 an economically disadvantaged child, a child of a participant  
11 in the welfare transition program, a child of a migrant farm  
12 worker, or a child of a teen parent.

13           (c) A child of a working family that is economically  
14 disadvantaged.

15           (d) A child for whom financial assistance is provided  
16 through the Relative Caregiver Program under s. 39.5085.

17           (e) A 3-year-old child or 4-year-old child who may not  
18 be economically disadvantaged, but who has been determined  
19 eligible as a child with a disability in accordance with the  
20 rules of the State Board of Education and is participating in  
21 a program for children with disabilities in the local school  
22 district.

23           (f) An economically disadvantaged child, a child with  
24 a disability, or a child at risk of future school failure,  
25 from birth to 4 years of age, who is served at home through a  
26 home visitor program and an intensive parent education  
27 program, including, but not limited to, the Florida First  
28 Start Program.

29           (g) A child who meets federal and state requirements  
30 for eligibility for the migrant preschool program, but who  
31 does not meet the criteria of economically disadvantaged.

1 Section 38. Section 1014.45, Florida Statutes, is  
2 created to read:

3 1014.45 Early childhood education program  
4 description.--

5 (1) Each council shall provide a comprehensive early  
6 childhood education experience that enhances the cognitive,  
7 social, and physical development of a child to achieve the  
8 performance standards and outcome measures adopted by the  
9 State Board of Education under s. 1014.07.

10 (2) Each early learning council shall ensure that the  
11 early childhood education provided under its plan includes the  
12 following elements:

13 (a) A developmentally and age-appropriate curriculum  
14 that, at a minimum, prepares a child for school in each of the  
15 following components:

- 16 1. Physical development for the child;  
17 2. Oral language ability including vocabulary  
18 development;  
19 3. Phonemic awareness;  
20 4. Knowledge of and interest in books and other  
21 printed materials;  
22 5. The ability to cope with challenges;  
23 6. The ability to perform tasks;  
24 7. Problem-solving skills;  
25 8. Following verbal directions;  
26 9. Demonstration of curiosity, persistence, and  
27 exploratory behavior;  
28 10. Interactions with peers and adults; and  
29 11. Compliance with rules, limitations, and routines.  
30 (b) A character development program to develop basic  
31 values.

1       (c) A valid and reliable age-appropriate screening of  
2 each child's development when they enter the program.

3       (d) A valid and reliable measurement of each child's  
4 developmental progress when they exit the program.

5       (e) An appropriate staff-to-children ratio.

6       (f) A healthy and safe environment.

7       Section 39. Section 1014.46, Florida Statutes, is  
8 created to read:

9       1014.46 Early childhood education plans.--

10       (1) Each early learning council shall implement an  
11 early childhood education plan that meets the requirements of  
12 this section and the performance standards and outcome  
13 measures adopted by the State Board of Education.

14 Implementation of the plan is subject to approval by the  
15 department.

16       (2)(a) Before implementing the plan, an early learning  
17 council must submit it to the Department of Education for  
18 approval. The department shall approve the plan, reject the  
19 plan, or approve the plan with conditions.

20       (b) The department shall review each council's plan  
21 annually. If an early learning council does not substantially  
22 implement its plan or does not substantially meet the  
23 performance standards or outcome measures adopted by the  
24 department, the department may contract with a qualified  
25 entity to continue early childhood education in the council's  
26 county or multicounty region until the department determines  
27 that the council is fully prepared to resume operations and  
28 perform its functions in conformance with applicable laws,  
29 rules, and performance expectations.

30       (c) Each early learning council must review and revise  
31 its plan annually. An early learning council may not implement

1 any revisions until it submits the revised plan to, and  
2 receives approval from, the department. If the department  
3 rejects a revised plan, the early learning council must  
4 continue to operate under its prior approved plan.

5 (3) Each early learning plan must be submitted in the  
6 format prescribed by the department and shall:

7 (a) Include the business organization of the early  
8 learning council. The early learning council must file its  
9 articles of incorporation and bylaws if the early learning  
10 council is organized as a corporation or other business  
11 entity. If not, the plan documents must include its contract  
12 with a fiscal agent in accordance with s. 1014.30.

13 (b) A description of the local resource and referral  
14 agency it created to be a part of the statewide resource and  
15 referral network under s. 1014.46.

16 (c) A copy of the community plan that addresses the  
17 needs of all eligible children.

18 (d) A description of the single point of entry and  
19 unified waiting list for early learning programs.

20 (e) A description of the council's early childhood  
21 education program which includes:

22 1. A description of the role the early childhood  
23 education programs have in the council's efforts to  
24 collaborate with community partners and schools as part of a  
25 statewide comprehensive initiative that prepares children and  
26 families for the children's success in school.

27 2. A demonstration that each child in the early  
28 learning council's early childhood education programs will  
29 receive scheduled activities and instruction designed to  
30 prepare the child to enter kindergarten ready to learn, that  
31 the programs will achieve the program expectations described

1 in s. 1014.21, and that the early childhood education services  
2 provided under the plan contain the elements described in s.  
3 1014.21.

4 3. A description of the before-school and after-school  
5 child care that the early learning council offers.

6 (f) Include a list of the locations and types of early  
7 childhood education providers the parents may choose from. The  
8 list must include the available licensed, registered,  
9 religious-exempt, and school-based providers.

10 (g) Include a schedule of payment rates adopted by the  
11 early learning council which encompasses all types of early  
12 childhood education and providers funded by the council. The  
13 early learning council must consider the prevailing  
14 market-rate schedule adopted under s. 1014.31 when adopting  
15 the payment schedule.

16 1. The payment schedule must specify that an informal  
17 provider of unregulated early childhood education may not be  
18 paid at more than 50 percent of the payment rate for a family  
19 child care home.

20 2. The payment schedule must not have the effect of  
21 limiting a parent's choice of provider. However, the  
22 department may authorize early learning councils to use its  
23 funds to provide a rate differential or stipend to early  
24 childhood education providers that hold a current Gold Seal  
25 designation under s. 402.281. The differential may not exceed  
26 20 percent of the payment rate for providers that do not hold  
27 the Gold Seal designation.

28 3. The payment schedule must include a projection of  
29 the number of children to be served by the early learning  
30 council and must be submitted to the department for  
31 information.

1           (h) Include the council's sliding fee scale that  
2 establishes a copayment for parents to pay for services  
3 received. The sliding scale must be based upon a parent's  
4 ability to pay. The sliding scale must be uniformly applied to  
5 each provider participating in the early learning program.

6           1. An early learning council must report and monitor  
7 the collection of copayments paid by parents by using a system  
8 of oversight as set forth in s. 1004.03(6).

9           2. Providers must maintain records of the collection  
10 of copayments paid by parents and must report the collections  
11 to the early learning council and the department.

12           3. The collection of copayments made by parents must  
13 comply with federal regulations that require that copayments  
14 must be included in provider and early learning council audit  
15 requirements as required in s. 1004.03(6).

16           (i) The qualifications of early childhood education  
17 personnel for providers participating in the early learning  
18 programs, including, but not limited to, successful completion  
19 of the 45 clock-hour introductory course described in s.  
20 1014.081 and of any additional training or credentials  
21 required by the department. The early learning plan must  
22 provide a method for verifying these qualifications of all  
23 early childhood education personnel for each type of provider.

24           (j) The performance standards and outcome measures  
25 adopted for early learning programs by the department under s.  
26 1014.07.

27           (k) Direct enhancement services for families and  
28 children. These enhancement services are in addition to  
29 payments for the placement of children in early learning  
30 programs.

31



1           (l) Nondirect services, including, but not limited to,  
2 the enrollment of children in early learning programs,  
3 eligibility determination for early learning programs,  
4 training of early learning providers, and parental support and  
5 involvement.

6           (m) Strategies to meet the needs of unique  
7 populations, such as migrant workers.

8           (4)(a) As part of its early learning plan, an early  
9 learning council may apply to the Governor for a waiver to  
10 allow it to administer the Head Start program in order to  
11 accomplish the purposes of its early learning program.

12           (b) If an early learning plan demonstrates that  
13 specific statutory goals may be achieved more effectively by  
14 using procedures that require modification of existing rules,  
15 policies, or procedures, the early learning council may  
16 include in the plan a request for a waiver by the State Board  
17 of Education. Upon review, the State Board of Education may  
18 grant the proposed modification.

19           (c) An early learning council may enter into a  
20 contract with service providers outside their service areas in  
21 order to meet the needs of unique populations, such as migrant  
22 workers.

23           (d) The department may enter into a statewide contract  
24 with service providers in order to meet the needs of unique  
25 populations such as migrant workers. Information regarding  
26 services offered through a statewide contract must be  
27 communicated to each early learning council to allow parents  
28 to take advantage of these services.

29           Section 40. Section 1014.47, Florida Statutes, is  
30 created to read:

31

1           1014.47 Parental choice in early childhood education  
2 programs.--

3           (1) Each council's early childhood education program  
4 shall, in accordance with 45 C.F.R. s. 98.30, provide parental  
5 choice that ensures, to the maximum extent practicable,  
6 flexibility in the early learning program and reimbursement  
7 arrangements. A parent may choose for his or her child to  
8 receive early childhood education:

9           (a) Through an early childhood education provider that  
10 is reimbursed for providing early childhood education under a  
11 contract; or

12           (b) Through the issuance of a payment certificate  
13 directly to the parent for use at an early childhood education  
14 provider of the parent's choice, including an informal  
15 provider of unregulated early childhood education, regardless  
16 of whether the chosen provider otherwise participates in the  
17 early learning program.

18           (2) A payment certificate must bear the names of the  
19 beneficiary and the early childhood education provider and,  
20 when redeemed, must bear the signatures of the beneficiary and  
21 an authorized representative of the provider.

22           (3) If an early learning provider gives any cash to a  
23 beneficiary in return for receiving a payment certificate, the  
24 early learning council or its fiscal agent shall refer the  
25 matter to the Division of Public Assistance Fraud or the state  
26 attorney for investigation.

27           Section 41. Section 402.27, Florida Statutes, is  
28 transferred, renumbered as section 1014.48, Florida Statutes,  
29 and is amended to read:

30           1014.48 ~~402.27~~ ~~Child care and early childhood Resource~~  
31 ~~and referral.--The Department of~~ Education Children and Family

1 ~~Services~~ shall ensure that ~~establish~~ a statewide ~~child care~~  
2 resource and referral network is established. The network  
3 shall be composed of a state resource and referral agency and  
4 a system of local agencies contracted through the state  
5 agency. ~~Preference shall be given to using the already~~  
6 ~~established central agencies for subsidized child care as the~~  
7 ~~child care resource and referral agency. If the agency cannot~~  
8 ~~comply with the requirements to offer the resource information~~  
9 ~~component or does not want to offer that service,~~The  
10 department of ~~Children and Family Services~~ shall select the  
11 state resource and referral information agency using based  
12 upon a request for proposals proposal. Each early learning  
13 council shall establish at least one local child care resource  
14 and referral agency must be established in the county or  
15 multicounty area served by the council each district of the  
16 ~~department~~, but no more than one local agency may be  
17 established in a any county. ~~Child care~~ Resource and referral  
18 agencies shall provide the following services:

19 (1) Identification of existing public and private  
20 early childhood education providers child care and early  
21 childhood education services, including child care services by  
22 public and private employers,and the development of a  
23 database resource file of providers those services. These  
24 providers services may include early learning providers that  
25 are licensed, exempt from licensure, or registered under part  
26 III of this chapter; providers participating in the voluntary  
27 universal prekindergarten program; providers participating in  
28 a council's early learning programs; family day care, public  
29 and private child care programs, head start; , prekindergarten  
30 early intervention programs, special education programs for  
31 prekindergarten handicapped children with disabilities;

1 services for children with developmental disabilities;~~;~~  
2 full-time and part-time programs;~~;~~before-school and  
3 after-school programs;~~;~~vacation care programs;~~;~~parent  
4 education; welfare transition programs; ~~the WAGES Program,~~  
5 and related family support services. The database information  
6 ~~resource file~~ shall include, but is not ~~be~~ limited to:  
7 (a) Type of early childhood education provider  
8 program.  
9 (b) Hours of service.  
10 (c) Ages of children served.  
11 (d) Number of children served.  
12 (e) Significant program information.  
13 (f) Fees and eligibility for services.  
14 (g) Availability of transportation.  
15 (2) The establishment of a referral process that ~~which~~  
16 responds to parental need for information and which is  
17 provided with full recognition of the confidentiality rights  
18 of parents. Resource and referral agencies may only ~~programs~~  
19 ~~shall~~ make referrals to licensed early childhood education  
20 providers, except that a referral may ~~child care facilities.~~  
21 ~~Referrals shall~~ be made to an unlicensed provider ~~child care~~  
22 ~~facility or arrangement only if~~ the provider is not required  
23 ~~to~~ ~~there is no requirement that the facility or arrangement be~~  
24 licensed.  
25 (3) Maintenance of ongoing documentation of requests  
26 for service tabulated through the internal referral process.  
27 The following documentation of requests for service shall be  
28 maintained by each ~~all child care~~ resource and referral agency  
29 agencies:  
30  
31

1 (a) Number of calls and contacts to the resource child  
2 ~~care information~~ and referral agency ~~component~~ by type of  
3 early childhood education provider service requested.

4 (b) Ages of children for whom service is ~~was~~  
5 requested.

6 (c) Time category of early learning service ~~child care~~  
7 requests for each child.

8 (d) Special time category, such as nights, weekends,  
9 and swing shifts ~~shift~~.

10 (e) Reason that early childhood education ~~the child~~  
11 ~~care~~ is needed.

12 (f) Name of the employer and primary focus of the  
13 business.

14 (4) Provision of technical assistance to existing and  
15 potential providers of early childhood education ~~child care~~  
16 ~~services~~. This assistance may include:

17 (a) Information on initiating new early learning ~~child~~  
18 ~~care~~ services, zoning, and program and budget development and  
19 assistance in finding the ~~such~~ information from other sources.

20 (b) Information and resources that assist ~~which help~~  
21 existing early learning ~~child care~~ services providers to  
22 maximize their ability to serve children and parents in their  
23 community.

24 (c) Information and incentives that may ~~which could~~  
25 help existing or planned early learning ~~child care~~ services  
26 offered by public or private employers seeking to maximize  
27 their ability to serve the children of their ~~working parent~~  
28 employees who are working parents in their community, through  
29 contractual or other funding arrangements with businesses.

30 (5) Assistance to families and employers in applying  
31 for various early childhood education programs, ~~sources of~~

1 ~~subsidy~~ including, but not limited to, the voluntary universal  
2 prekindergarten program or a council's early learning program  
3 ~~subsidized child care, head start, prekindergarten early~~  
4 ~~intervention programs, Project Independence, private~~  
5 scholarships, and the federal child and dependent care tax  
6 credit.

7 (6) Assistance to state agencies in determining the  
8 prevailing market rate for early childhood education child  
9 ~~care.~~

10 (7) Assistance in negotiating discounts or other  
11 special arrangements with early childhood education child care  
12 providers.

13 (8) Information and assistance to local interagency  
14 councils coordinating services for prekindergarten ~~handicapped~~  
15 children with disabilities.

16 (9) Assistance to families in identifying summer  
17 recreation camp and summer day camp programs and in evaluating  
18 the health and safety qualities of summer recreation camp, and  
19 ~~summer day camp, programs and in evaluating the health and~~  
20 ~~safety qualities of summer camp programs.~~ Subject to  
21 legislative ~~Contingent upon specific~~ appropriation, a  
22 checklist of important health and safety qualities that  
23 parents may ~~can~~ use to choose their summer camp programs shall  
24 be developed and distributed in a manner that will reach  
25 parents interested in these ~~such~~ programs for their children.

26 (10) Each early childhood education provider ~~A child~~  
27 ~~care facility~~ licensed or registered under s. 387.04 s.  
28 ~~402.305 and licensed and registered family day care homes~~ must  
29 provide the local ~~statewide child care and resource and~~  
30 referral agency ~~agencies~~ with the following information  
31 annually:

- 1 (a) Type of each childhood education provider ~~program~~.  
2 (b) Hours of service.  
3 (c) Ages of children served.  
4 (d) Fees and eligibility for services.

5 Section 42. Section 402.3018, Florida Statutes, is  
6 transferred, renumbered as section 1014.49, Florida Statutes,  
7 and amended to read:

8 1014.49 ~~402.3018~~ Consultation to early childhood  
9 education providers ~~child care centers and family day care~~  
10 ~~homes~~ regarding health, developmental, behavioral disability,  
11 and other special needs issues.--

12 (1) Early childhood education providers are encouraged  
13 to serve children with special needs. The department, when  
14 requested, shall provide technical assistance to parents and  
15 early childhood education providers in order to facilitate  
16 serving children with special needs.

17 (2)~~(1)~~ Subject to legislative ~~Contingent upon specific~~  
18 appropriations, the department shall ~~is directed to~~ contract  
19 with the state ~~statewide~~ resource information and referral  
20 agency for a statewide toll-free Warm-Line to provide for the  
21 ~~purpose of providing~~ assistance and consultation to early  
22 childhood education providers ~~child care centers and family~~  
23 ~~day care homes~~ regarding health, developmental, behavioral  
24 disability, and other special needs issues of the children  
25 they are serving, ~~particularly children with disabilities and~~  
26 ~~other special needs.~~

27 (3)~~(2)~~ The purpose of the Warm-Line is to provide  
28 advice to early childhood education ~~child care~~ personnel  
29 concerning strategies, curriculum, and environmental  
30 adaptations that allow a child to derive maximum benefit from  
31 receiving early childhood education ~~the child care experience.~~

1           ~~(4)(3)~~ The department shall annually inform early  
2 childhood education providers ~~child care centers and family~~  
3 ~~day care homes~~ of the availability of this service, ~~on an~~  
4 ~~annual basis~~.

5           ~~(5)(4)~~ Subject to legislative ~~Contingent upon specific~~  
6 appropriations, the department shall expand or contract for  
7 the expansion of the Warm-Line from one statewide site to one  
8 Warm-Line site in each county or region served by an early  
9 learning council ~~child care resource and referral agency~~  
10 ~~region~~.

11           ~~(6)(5)~~ Each county or regional Warm-Line shall provide  
12 assistance and consultation to early childhood education  
13 providers ~~child care centers and family day care homes~~  
14 regarding health, developmental, behavioral disability, and  
15 other special needs ~~issues~~ of the children they are serving,  
16 ~~particularly children with disabilities and other special~~  
17 ~~needs~~. County or regional Warm-Line staff shall provide onsite  
18 technical assistance, when requested, to assist early  
19 childhood education providers ~~child care centers and family~~  
20 ~~day care homes~~ with inquiries relative to the strategies,  
21 curriculum, and environmental adaptations the early childhood  
22 education providers ~~child care centers and family day care~~  
23 ~~homes~~ may need as they serve children with ~~disabilities and~~  
24 ~~other~~ special needs.

25           Section 43. Section 409.178, Florida Statutes, is  
26 transferred, renumbered as section 1014.50, Florida Statutes,  
27 and amended to read:

28           1014.50 ~~409.178~~ Business Child Care Executive  
29 Partnership for Early Learning Act; ~~findings and intent~~;  
30 ~~grant; limitation; rules.--~~

31



1           ~~(1) This section may be cited as the "Child Care~~  
2 ~~Executive Partnership Act."~~

3           ~~(2)(a) The Legislature finds that when private~~  
4 ~~employers provide onsite child care or provide other child~~  
5 ~~care benefits, they benefit by improved recruitment and higher~~  
6 ~~retention rates for employees, lower absenteeism, and improved~~  
7 ~~employee morale. The Legislature also finds that there are~~  
8 ~~many ways in which private employers can provide child care~~  
9 ~~assistance to employees: information and referral, vouchering,~~  
10 ~~employer contribution to child care programs, and onsite care.~~  
11 ~~Private employers can offer child care as part of a menu of~~  
12 ~~employee benefits. The Legislature recognizes that flexible~~  
13 ~~compensation programs providing a child care option are~~  
14 ~~beneficial to the private employer through increased~~  
15 ~~productivity, to the private employee in knowing that his or~~  
16 ~~her children are being cared for in a safe and nurturing~~  
17 ~~environment, and to the state in more dollars being available~~  
18 ~~for purchasing power and investment.~~

19           ~~(b) It is the intent of the Legislature to promote~~  
20 ~~public/private partnerships to ensure that the children of the~~  
21 ~~state be provided safe and enriching child care at any time,~~  
22 ~~but especially while parents work to remain self-sufficient.~~  
23 ~~It is the intent of the Legislature that private employers be~~  
24 ~~encouraged to participate in the future of this state by~~  
25 ~~providing employee child care benefits. Further, it is the~~  
26 ~~intent of the Legislature to encourage private employers to~~  
27 ~~explore innovative ways to assist employees to obtain quality~~  
28 ~~child care.~~

29           ~~(c) The Legislature further recognizes that many~~  
30 ~~parents need assistance in paying the full costs of quality~~  
31 ~~child care. The public and private sectors, by working in~~

1 ~~partnership, can promote and improve access to quality child~~  
2 ~~care and early education for children of working families who~~  
3 ~~need it. Therefore, a more formal mechanism is necessary to~~  
4 ~~stimulate the establishment of public-private partnerships. It~~  
5 ~~is the intent of the Legislature to expand the availability of~~  
6 ~~scholarship options for working families by providing~~  
7 ~~incentives for employers to contribute to meeting the needs of~~  
8 ~~their employees' families through matching public dollars~~  
9 ~~available for child care.~~

10       (1)(a)(3) There is created a body ~~politic~~ and  
11 corporate, ~~known as~~ the Business Child Care Executive  
12 Partnership for Early Learning, which shall establish and  
13 govern the Business Child Care Executive Partnership for Early  
14 Learning Program.

15       (b) The purpose of the Business Child Care Executive  
16 Partnership for Early Learning Program is to use ~~utilize~~ state  
17 and federal funds as incentives for matching local funds  
18 derived from local governments, employers, charitable  
19 foundations, and other sources, in order ~~so~~ that Florida  
20 communities in this state may create local flexible  
21 partnerships with employers.

22       (c) The Business Child Care Executive Partnership for  
23 Early Learning Program funds shall be used at the discretion  
24 of local communities to meet the needs of working parents. An  
25 early childhood education ~~A child care~~ purchasing pool shall  
26 be developed with ~~the~~ state, federal, and local funds to  
27 provide subsidies to low-income working parents whose family  
28 income does not exceed 200 percent of the federal poverty  
29 level ~~who are eligible for subsidized child care~~ with a  
30 dollar-for-dollar match from employers, local government, and  
31 other matching contributions. The funds used from the early

1 childhood education ~~child care~~ purchasing pool must be used to  
2 supplement or extend the use of existing public or private  
3 funds.

4 (2)(4) The Business Child Care Executive Partnership  
5 for Early Learning, staffed by the department, shall consist  
6 of a representative of the Executive Office of the Governor  
7 and nine members of the corporate or early childhood education  
8 ~~child care~~ community, appointed by the Governor.

9 (a) Members shall serve for a period of 4 years,  
10 except that the representative of the Executive Office of the  
11 Governor shall serve at the pleasure of the Governor.

12 (b) The Business Child Care Executive Partnership for  
13 Early Learning shall be chaired by a member chosen by a  
14 majority vote and shall meet at least quarterly and at other  
15 times upon the call of the chair.

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

19 (d) The Business Child Care Executive Partnership for  
20 Early Learning shall have all the powers and authority, not  
21 explicitly prohibited by law statute, necessary to administer  
22 ~~carry out and effectuate the purposes of this section, as well~~  
23 ~~as the functions, duties, and responsibilities of the~~  
24 ~~partnership~~, including, but not limited to, the following:

25 1. Assisting in the formulation and coordination of  
26 the state's early childhood education ~~child care~~ policy.

27 2. Adopting an official seal.

28 3. Soliciting, accepting, receiving, investing, and  
29 expending funds from public or private sources.

30 4. Contracting with public or private entities as  
31 necessary.

1           5. Approving an annual budget.

2           6. Carrying forward any unexpended state  
3 appropriations into succeeding fiscal years.

4           7. Providing a report to the Governor, the Speaker of  
5 the House of Representatives, and the President of the Senate,  
6 on or before December 1 of each year.

7           ~~(3)(5)~~(a) The State Board of Education ~~Legislature~~  
8 shall consider the recommendations from the Business  
9 Partnership for Early Learning annually to determine the  
10 amount of state funds ~~or federal low-income child care moneys~~  
11 which shall be used to create the Business Child Care  
12 ~~Executive~~ Partnership for Early Learning Program early  
13 childhood education ~~child care~~ purchasing pools in counties  
14 chosen by the Business Child Care Executive Partnership for  
15 Early Learning. A purchasing pool must be created in, ~~provided~~  
16 ~~that~~ at least two ~~of the~~ counties with ~~have~~ populations of ~~no~~  
17 ~~more than~~ 300,000 or fewer persons. The Legislature shall  
18 annually review the effectiveness of the early childhood  
19 education ~~child care~~ purchasing pool program and reevaluate  
20 the percentage of additional state ~~or federal~~ funds, if any,  
21 that may ~~can~~ be used for the program's expansion.

22           (b) To ensure a seamless service delivery and ease of  
23 access for families, the Business Partnership for Early  
24 Learning may contract with early learning councils, community  
25 coordinated child care agencies, or the state resource and  
26 referral agency to ~~shall~~ administer the ~~child care~~ purchasing  
27 pool funds.

28           (c) The department, in conjunction with the Business  
29 ~~Child Care Executive~~ Partnership for Early Learning, shall  
30 develop procedures for disbursement of funds through the ~~child~~  
31 ~~care~~ purchasing pools. In order to be considered for funding,

1 an early learning council ~~the community coordinated child care~~  
2 ~~agency or the statewide resource and referral agency~~ must  
3 commit to:

4 1. Matching the state purchasing pool funds on a  
5 dollar-for-dollar basis; and

6 2. Expending only those state public funds that ~~which~~  
7 are matched by employers, local government, and other matching  
8 contributors who contribute to the purchasing pool. Parents  
9 shall also pay a fee, which must ~~shall be~~ not be less than the  
10 amount identified in the ~~department's subsidized child care~~  
11 sliding fee scale adopted by the early learning council.

12 (d) Each early learning council ~~community~~  
13 ~~coordinated child care agency~~ shall be required to establish a  
14 ~~community child care~~ task force for each ~~child care~~ purchasing  
15 pool. The task force must be composed of employers, parents,  
16 private early childhood education ~~child care~~ providers, and  
17 one representative from the local children's services council,  
18 if one exists in the area of the purchasing pool. The early  
19 learning council shall ~~community coordinated child care agency~~  
20 ~~is expected to~~ recruit the task force members from existing  
21 ~~child care~~ councils, commissions, or task forces already  
22 operating in the area of a purchasing pool. A majority of the  
23 task force shall consist of employers. Each task force shall  
24 develop a plan for the use of ~~child care~~ purchasing pool  
25 funds. The plan must demonstrate ~~show~~ how many children will  
26 be served by the purchasing pool, how many will be new to  
27 receiving early learning ~~child care~~ services, and how the  
28 early learning council ~~community coordinated child care agency~~  
29 intends to attract new employers and their employees to the  
30 program.

31

1           ~~(4)(6)~~ The department of ~~Children and Family Services~~  
2 shall adopt ~~any~~ rules to administer ~~necessary for the~~  
3 ~~implementation and administration of~~ this section.

4           Section 44. Section 402.25, Florida Statutes, is  
5 transferred, renumbered as section 1014.51, Florida Statutes,  
6 and amended to read:

7           1014.51 ~~402.25~~ Infants and toddlers in state-funded  
8 early childhood education ~~and care~~ programs; brain development  
9 activities.--Each state-funded early childhood education ~~and~~  
10 ~~care~~ program for children from birth to 5 years of age must  
11 provide activities to foster brain development in infants and  
12 toddlers. Each ~~A~~ program must provide an environment rich in  
13 language and music and filled with objects of various colors,  
14 shapes, textures, and sizes to stimulate visual, tactile,  
15 auditory, and linguistic senses in a child ~~the children and~~  
16 ~~must include classical music and at least 30 minutes of~~  
17 ~~reading to the children each day. A program may be offered~~  
18 ~~through an existing early childhood program such as Healthy~~  
19 ~~Start, the Title I program, contracted or directly operated~~  
20 ~~subsidized child care, the prekindergarten early intervention~~  
21 ~~program, Florida First Start, the Head Start program, or a~~  
22 ~~private child care program.~~A program must also provide  
23 training for the infants' and toddlers' parents including  
24 direct dialogue and interaction between teachers and parents  
25 demonstrating the urgency of brain development in the first  
26 year of a child's life. A family child day care home is  
27 ~~centers are~~ encouraged, but not required, to comply with this  
28 section.

29           Section 45. Section 1014.52, Florida Statutes, is  
30 created to read:

31

1           1014.52 Fiscal agents.--If an early learning council  
2 is not legally organized as a corporation or other business  
3 entity, the council must designate a fiscal agent, which may  
4 be a public entity or a private nonprofit organization. Each  
5 fiscal agent must provide financial and administrative  
6 services under a contract or agreement with the early learning  
7 council. A fiscal agent may not directly provide early  
8 childhood education to children. However, a fiscal agent may  
9 provide direct services if an early learning council submits a  
10 written request to the Department of Education asking for an  
11 exception and the department approves the request. The cost of  
12 the financial and administrative services shall be negotiated  
13 between the fiscal agent and the early learning council. If  
14 the fiscal agent is a provider of early childhood education,  
15 the contract must specify that the fiscal agent will act under  
16 the policy direction from the council and may not receive  
17 policy direction from its own corporate board regarding the  
18 disbursement of council funds. The fiscal agent shall disburse  
19 funds in accordance with the council's approved early learning  
20 plan and based on billing and disbursement procedures approved  
21 by the Department of Education. The fiscal agent must conform  
22 to all data-reporting requirements established by the  
23 department.

24           Section 46. Section 402.3051, Florida Statutes, is  
25 transferred, renumbered as section 1014.53, Florida Statutes,  
26 and amended to read:

27           1014.53 ~~402.3051~~ Prevailing child care market rate  
28 ~~reimbursement; early childhood education child care~~ grants.--

29           (1) As used in this section, the term:

30           (a) ~~"Child care program assessment tool" means an~~  
31 ~~assessment instrument designated or developed by the~~

1 ~~department to determine quality child care and other child~~  
2 ~~development services to children under the provision of s.~~  
3 ~~402.3015, Title IV-A of the Social Security Act, and the Child~~  
4 ~~Care and Development Block Grant Act of 1990.~~

5 (a)(b) "Market rate" means the price that an early  
6 childhood education ~~a child care~~ provider charges for daily,  
7 weekly, or monthly ~~child care~~ services. The market rate shall:

8 1. Be established for licensed child care centers,  
9 child care centers exempt from licensure, licensed specialized  
10 child care centers for mildly ill children facilities ~~or~~  
11 ~~facilities that are not subject to s. 402.305,~~ licensed or  
12 registered family child ~~day~~ care homes, licensed large family  
13 child care homes, licensed before-school and after-school  
14 ~~child care~~ programs, and informal providers of unregulated  
15 early childhood education ~~care provided by a relative or other~~  
16 ~~caretaker.~~

17 2. Differentiate among early childhood education ~~child~~  
18 ~~care~~ for children with special needs, at risk children ~~or risk~~  
19 ~~categories,~~ infants, toddlers, ~~and~~ preschool children, and  
20 school-age children.

21 3. Differentiate between full-time and part-time  
22 services ~~care.~~

23 4. Consider reductions in the cost of services ~~care~~  
24 for additional children in the same family.

25 (b)(c) "Prevailing market rate" means the annually  
26 determined 75th percentile of a reasonable frequency  
27 distribution of market rate in a predetermined geographic  
28 market at which early childhood education ~~licensed child care~~  
29 providers charge a person for early learning ~~child care~~  
30 services.

31



1           (2) The department shall establish procedures for  
2 adopting a prevailing market rate schedule to reimburse:

3           (a) Licensed, exempt, or registered early learning  
4 child care providers who hold a current Gold Seal Quality Care  
5 designation at 120 percent of the prevailing market rate for  
6 early learning child care services for children who are  
7 eligible to participate in an early learning program under s.  
8 1014.22 receive subsidized child care; and

9           (b) Licensed, exempt, or registered early childhood  
10 child care providers at the prevailing market rate for early  
11 learning child care services for children who are eligible to  
12 participate in an early learning program under s. 1014.22 to  
13 receive subsidized child care, unless prohibited by federal  
14 law under s. 402.3015. The department shall establish  
15 procedures to reimburse providers of unregulated child care at  
16 not more than 50 percent of the market rate.

17  
18 The prevailing market rate schedule adopted under this  
19 subsection payment system may not interfere with the parents'  
20 choice of providers under s. 1014.06 decision as to the  
21 appropriate child care arrangement, regardless of the level of  
22 available funding for early childhood education child care.  
23 The prevailing market rate schedule must be based exclusively  
24 on the costs and prices charged for early childhood education  
25 and must not be based on any child care program assessment  
26 tool may not be used to evaluate early childhood education  
27 providers determine reimbursement rates.

28           (3) The department may provide child care grants to  
29 early learning councils, central agencies, community colleges,  
30 and workforce development education vocational/technical  
31 programs for the purpose of providing support and technical

1 assistance to licensed early childhood education ~~child care~~  
2 providers.

3 (4) The department may contract, using a request for  
4 proposals, with a qualified entity ~~use the state community~~  
5 ~~child care coordination agencies (central agencies), community~~  
6 ~~colleges, and vocational/technical programs to~~ administer  
7 ~~implement~~ this section.

8 (5) The State Board of Education ~~department~~ may adopt  
9 rules ~~and other policy provisions necessary to~~ administer  
10 ~~implement~~ this section.

11 (6) This section shall be implemented only to the  
12 extent that funding is available.

13 Section 47. Section 1014.54, Florida Statutes, is  
14 created to read:

15 1014.54 Early childhood education funds; competitive  
16 procurement.--

17 (1)(a) All funds associated with early childhood  
18 education provided under this chapter, other than the funds  
19 associated with the voluntary universal prekindergarten  
20 program, shall be appropriated in a single and separate budget  
21 entity.

22 (b) The Department of Education shall annually  
23 allocate all funds appropriated in the early childhood  
24 education budget entity, other than those allocated to  
25 statewide contracts, to each early learning council in  
26 accordance with the equity and performance allocation formula  
27 approved under s. 1014.03.

28 (c) Early childhood education funds allocated to each  
29 early learning council may be used only to implement the  
30 council's early childhood education plan. Early learning funds  
31 may not be used for the construction of new facilities and may

1 be used only for transportation services in accordance with  
2 this chapter.

3 (d) As part of the approval and periodic review of  
4 each early learning council's early childhood education plan,  
5 the Department of Education shall require that administrative  
6 costs be kept to the minimum necessary for an efficient and  
7 effective administration of the early learning council's early  
8 childhood education. The administrative expenditures of early  
9 learning funds may not exceed 5 percent of an early learning  
10 council's total expenditures of early learning funds, unless  
11 the department specifically waives the limitation. The  
12 department shall report to the Legislature annually regarding  
13 any issues relating to administrative costs.

14 (2) An early learning council must comply with s.  
15 287.057 when procuring commodities or contractual services  
16 with state funds. The period of a contract for the purchase of  
17 commodities or contractual services, together with any renewal  
18 of the original contract, may not exceed 3 years.

19 (3)(a) Each early learning council may contract with a  
20 central agency or other qualified entities to perform any of  
21 the duties assigned to the council under this chapter.  
22 However, the early learning council has ultimate  
23 responsibility for the performance of these duties. Contracts  
24 awarded under this subsection must comply with the competitive  
25 procurement requirements of this section.

26 (b) The Department of Education shall conduct an  
27 investigation of any violation of this section, including the  
28 misuse of funds.

29 (4) The Auditor General shall annually audit all early  
30 learning councils and any central agency awarded a contract  
31 under this section.

1           Section 48. Subsections (3) and (6) of section 20.15,  
2 Florida Statutes, are amended to read:

3           20.15 Department of Education.--There is created a  
4 Department of Education.

5           (3) DIVISIONS.--The following divisions of the  
6 Department of Education are established:

7           (a) Division of Community Colleges.

8           (b) Division of Public Schools.

9           (c) Division of Colleges and Universities.

10          (d) Division of Vocational Rehabilitation.

11          (e) Division of Blind Services.

12          (f) Division of Early Learning.

13          (6) COUNCILS AND COMMITTEES.--Notwithstanding anything  
14 contained in law to the contrary, the commissioner shall  
15 appoint all members of all councils and committees of the  
16 Department of Education, except the Commission for Independent  
17 Education, ~~and~~ the Education Practices Commission, and the  
18 Early Learning Advisory Council.

19           Section 49. Paragraph (c) of subsection (2) of section  
20 20.50, Florida Statutes, is amended to read:

21           20.50 Agency for Workforce Innovation.--There is  
22 created the Agency for Workforce Innovation within the  
23 Department of Management Services. The agency shall be a  
24 separate budget entity, and the director of the agency shall  
25 be the agency head for all purposes. The agency shall not be  
26 subject to control, supervision, or direction by the  
27 Department of Management Services in any manner, including,  
28 but not limited to, personnel, purchasing, transactions  
29 involving real or personal property, and budgetary matters.

30           (2) The Agency for Workforce Innovation shall be the  
31 designated administrative agency for receipt of federal

1 workforce development grants and other federal funds, and  
2 shall carry out the duties and responsibilities assigned by  
3 the Governor under each federal grant assigned to the agency.  
4 The agency shall be a separate budget entity and shall expend  
5 each revenue source as provided by federal and state law and  
6 as provided in plans developed by and agreements with  
7 Workforce Florida, Inc. The agency shall prepare and submit as  
8 a separate budget entity a unified budget request for  
9 workforce development, in accordance with chapter 216 for, and  
10 in conjunction with, Workforce Florida, Inc., and its board.  
11 The head of the agency is the director of Workforce  
12 Innovation, who shall be appointed by the Governor.  
13 Accountability and reporting functions of the agency shall be  
14 administered by the director or his or her designee. Included  
15 in these functions are budget management, financial  
16 management, audit, performance management standards and  
17 controls, assessing outcomes of service delivery, and  
18 financial administration of workforce programs pursuant to s.  
19 445.004(5) and (9). Within the agency's overall organizational  
20 structure, the agency shall include the following offices  
21 which shall have the specified responsibilities:

22 (c) The Office of Agency Support Services shall be  
23 responsible for procurement, human resource services, and  
24 information services including delivering information on labor  
25 markets, employment, occupations, and performance, and shall  
26 implement and maintain information systems that are required  
27 for the effective operation of the one-stop delivery system  
28 ~~and the school readiness services system~~, including, but not  
29 limited to, those systems described in s. 445.009. The office  
30 will be under the direction of the Deputy Director for Agency  
31 Support Services, who shall be appointed by and serve at the

1 pleasure of the director. The office shall be responsible for  
2 establishing:

3 1. Information systems and controls that report  
4 reliable, timely and accurate fiscal and performance data for  
5 assessing outcomes, service delivery, and financial  
6 administration of workforce programs under ~~pursuant to~~ s.  
7 445.004(5) and (9).

8 2. Information systems that support service  
9 integration and case management by providing for case tracking  
10 for participants in welfare transition programs.

11 ~~3. Information systems that support school readiness~~  
12 ~~services.~~

13 Section 50. Section 402.281, Florida Statutes, is  
14 amended to read:

15 402.281 Gold Seal Quality ~~Care~~ program.--

16 (1) Child care centers, specialized child care centers  
17 for mildly ill children facilities, large family child care  
18 homes, or family child day care homes that are accredited by a  
19 ~~nationally~~ recognized accrediting association whose standards  
20 substantially meet or exceed the National Association for the  
21 Education of Young Children (NAEYC), the National Association  
22 of Family Child Care, regional commissions and member  
23 organizations of the Commission on International and  
24 Trans-Regional Accreditation, or ~~and~~ the National Early  
25 Childhood Program Accreditation Commission shall receive a  
26 separate "Gold Seal Quality ~~Care~~" designation to operate as a  
27 gold seal child care center, a gold seal specialized child  
28 care center for mildly ill children facility, a gold seal  
29 large family child care home, or a gold seal family child day  
30 care home.

31

1           (2) In developing the Gold Seal Quality ~~Care~~ program  
2 standards, the department shall consult with the Department of  
3 Education, the Florida Head Start Directors Association, the  
4 Florida Association of Child Care Management, the Florida  
5 Family Day Care Association, the Florida Children's Forum, ~~the~~  
6 ~~State Coordinating Council for School Readiness Programs,~~the  
7 Early Childhood Association of Florida, the National  
8 Association for Child Development Education, early childhood  
9 education providers receiving exemptions under s. 402.316, and  
10 parents, for the purpose of approving the accrediting  
11 associations.

12           Section 51. For the purpose of incorporating the  
13 amendment made by this act to section 402.281, Florida  
14 Statutes, in a reference thereto, subsection (5) of section  
15 402.315, Florida Statutes, is reenacted to read:

16           402.315 Funding; license fees.--

17           (5) All moneys collected by the department for child  
18 care licensing shall be held in a trust fund of the department  
19 to be reallocated to the department during the following  
20 fiscal year to fund child care licensing activities, including  
21 the Gold Seal Quality Care program created pursuant to s.  
22 402.281.

23           Section 52. For the purpose of incorporating the  
24 amendment made by this act to section 402.281, Florida  
25 Statutes, in a reference thereto, paragraph (m) of subsection  
26 (5) of section 212.08, Florida Statutes, is reenacted to read:

27           212.08 Sales, rental, use, consumption, distribution,  
28 and storage tax; specified exemptions.--The sale at retail,  
29 the rental, the use, the consumption, the distribution, and  
30 the storage to be used or consumed in this state of the  
31

1 following are hereby specifically exempt from the tax imposed  
2 by this chapter.

3 (5) EXEMPTIONS; ACCOUNT OF USE.--

4 (m) Educational materials purchased by certain child  
5 care facilities.--Educational materials, such as glue, paper,  
6 paints, crayons, unique craft items, scissors, books, and  
7 educational toys, purchased by a child care facility that  
8 meets the standards delineated in s. 402.305, is licensed  
9 under s. 402.308, holds a current Gold Seal Quality Care  
10 designation pursuant to s. 402.281, and provides basic health  
11 insurance to all employees are exempt from the taxes imposed  
12 by this chapter. For purposes of this paragraph, the term  
13 "basic health insurance" shall be defined and promulgated in  
14 rules developed jointly by the Department of Children and  
15 Family Services, the Agency for Health Care Administration,  
16 and the Financial Services Commission.

17 Section 53. Section 445.023, Florida Statutes, is  
18 amended to read:

19 445.023 Program for dependent care for families with  
20 children with special needs.--

21 (1) There is created the program for dependent care  
22 for families with children with special needs. This program  
23 is intended to provide assistance to families with children  
24 who meet the following requirements:

25 (a) The child or children are between the ages of 13  
26 and 17 years, inclusive.

27 (b) The child or children are considered to be  
28 children with special needs.

29 (c) The family economically disadvantaged as defined  
30 in s. 1014.20 ~~meets the income guidelines established under s.~~

31



1 ~~411.01(6)~~, notwithstanding any financial eligibility criteria  
2 to the contrary in s. 414.075, s. 414.085, or s. 414.095.

3 (2) Implementation of this program is ~~shall be~~ subject  
4 to appropriation of funds for this purpose.

5 (3) If federal funds under the Temporary Assistance  
6 for Needy Families block grant provided under Title IV-A of  
7 the Social Security Act, as amended, are used for this  
8 program, the family must be informed about the federal  
9 requirements on receipt of the ~~such~~ assistance and must sign a  
10 written statement acknowledging, and agreeing to comply with,  
11 all federal requirements.

12 (4) In addition to early learning ~~school readiness~~  
13 services provided under chapter 1014 ~~s. 411.01~~, dependent care  
14 may be provided for children age 13 years and older who are in  
15 need of care due to a disability and where the ~~such~~ care is  
16 needed for the parent to accept or continue employment or  
17 otherwise participate in work activities. The amount of  
18 subsidy shall be consistent with the rates for special needs  
19 child care established by the department. Dependent care  
20 needed for employment may be provided as transitional services  
21 for up to 2 years after eligibility for temporary cash  
22 assistance ends.

23 (5) Notwithstanding ~~any provision~~ of s. 414.105 to the  
24 contrary, the time limitation on receipt of assistance under  
25 this section shall be the limit established under ~~pursuant to~~  
26 s. 408(a)(7) of the Social Security Act, as amended, 42 U.S.C.  
27 s. 608(a)(7).

28 Section 54. Section 1008.21, Florida Statutes, is  
29 amended to read:

30 1008.21 School readiness uniform screening  
31 (kindergarten).--

1           (1) The Department of Education shall implement a the  
2 school readiness uniform screening ~~developed by the Florida~~  
3 ~~Partnership for School Readiness~~, and shall require that all  
4 school districts administer the ~~kindergarten~~ uniform screening  
5 to each kindergarten student in the district school system  
6 upon the student's entry into kindergarten.

7           ~~(2)(a) The Department of Education shall implement the~~  
8 ~~school readiness uniform screening to validate the system~~  
9 ~~recommended by the Florida Partnership for School Readiness as~~  
10 ~~part of a comprehensive evaluation design. Beginning with the~~  
11 ~~2002-2003 school year, the department shall require that all~~  
12 ~~school districts administer the school readiness uniform~~  
13 ~~screening to each kindergarten student in the district school~~  
14 ~~system upon the student's entry into kindergarten. Children~~  
15 ~~who enter public school for the first time in first grade must~~  
16 ~~be administered the school readiness uniform screening adopted~~  
17 ~~for use in first grade. The department shall incorporate~~  
18 ~~school readiness data into the K-20 data warehouse for~~  
19 ~~longitudinal tracking.~~

20           (a)(b) The uniform screening shall provide objective  
21 data regarding ~~the following~~ expectations for school readiness  
22 which shall include, at a minimum:

23           ~~1. The child's immunizations and other health~~  
24 ~~requirements as necessary, including appropriate vision and~~  
25 ~~hearing screening and examinations.~~

26           ~~2. The child's physical development.~~

27           ~~1.3.~~ 1.3. The child's compliance with rules, limitations,  
28 and routines.

29           ~~2.4.~~ 2.4. The child's ability to perform tasks.

30           ~~3.5.~~ 3.5. The child's interactions with peers and adults.

31           ~~6. The child's interactions with peers.~~

1           ~~7. The child's ability to cope with challenges.~~  
2           ~~8. The child's self-help skills.~~  
3           ~~9. The child's ability to express his or her needs.~~  
4           ~~10. The child's verbal communication skills.~~  
5           4.11. The child's problem-solving skills.  
6           5.12. The child's ability to follow verbal directions.  
7           ~~6.13.~~ The child's demonstration of curiosity,  
8 persistence, and exploratory behavior.  
9           7.14. The child's knowledge of and interest in books  
10 and other printed materials.  
11           ~~15. The child's ability to pay attention to stories.~~  
12           ~~16. The child's participation in art and music~~  
13 ~~activities.~~  
14           ~~17. The child's ability to identify colors, geometric~~  
15 ~~shapes, letters of the alphabet, numbers, and spatial and~~  
16 ~~temporal relationships.~~  
17           (b) The screening system shall measure emerging  
18 phonemic awareness and phonics skills that are valid and  
19 reliable predictors for later reading performance.  
20           (3) Recognizing the importance of a child's  
21 development in the domain of physical health, each district  
22 school board shall ensure that prior to enrollment in  
23 kindergarten, information regarding the child's immunizations,  
24 physical development, and other health information, including  
25 appropriate vision and hearing screening and examinations as  
26 necessary, is obtained as required by s. 1003.22.  
27           (4) To enhance each child's ability to make  
28 age-appropriate progress, each district school board shall  
29 also provide for ongoing formal and informal assessment of a  
30 child's social and emotional development. Information obtained  
31

1 through such assessments shall be shared with the child's  
2 parent or used to guide instruction.

3 Section 55. Sections 411.01 and 411.012, Florida  
4 Statutes, are repealed.

5 Section 56. Transfer of existing programs.--

6 (1) The Florida Partnership for School Readiness,  
7 school readiness, early childhood resource and referral, and  
8 the subsidized child care program are transferred by a type  
9 two transfer, under section 20.06(2), Florida Statutes, from  
10 the Agency for Workforce Innovation to the Department of  
11 Education. To ensure continuity in payment to providers of  
12 school readiness services, the Department of Education is  
13 authorized to execute an interagency operating agreement with  
14 the Agency for Workforce Innovation for a transition period  
15 not to exceed 120 days.

16 (2) The Child Care Executive Partnership Program is  
17 transferred by a type two transfer, under section 20.06(2),  
18 Florida Statutes, from the Department of Children and Family  
19 Services to the Department of Education.

20 (3) The functions associated with the training of and  
21 the issuing of credentials to child care facility personnel  
22 are transferred by a type two transfer under section 20.06(2),  
23 Florida Statutes, from the Department of Children and Family  
24 Services to the Department of Education.

25 Section 57. In editing the manuscript for the 2004  
26 Florida Statutes, the Division of Statutory Revision is  
27 requested to incorporate any amendments, by laws passed during  
28 the 2004 Regular Session of the Legislature or any 2004  
29 Special Sessions of the Legislature, to provisions repealed by  
30 this act into the parallel successor provisions created by  
31 this act.

1           Section 58. If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 invalidity does not affect other provisions or applications of  
4 the act which can be given effect without the invalid  
5 provision or application, and to this end, the provisions of  
6 this act are severable.

7           Section 59. Except as otherwise specifically provided  
8 in this act, this act shall take effect July 1, 2004.

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SENATE SUMMARY

Creates Chapter 1014, Florida Statutes, relating to early learning. Defines terms related to early learning. Creates the Early Learning Advisory Council. Directs the State Board of Education to adopt rules prescribing the minimum standards for early learning personnel and requires a competency examination. Directs the Department of Education to review all currently approved child development associate and child development associate equivalent educational programs. Requires the State Board of Education to develop guidelines for inter-institutional articulation and specifying transferability to educational institutions. Authorizes the Governor to appoint the Department of Education as the lead agency for federal child care and development purposes. Provides for parental rights, choices, and responsibilities in the prekindergarten program. Directs the Department of Education to create and operate a consumer education and protection program to assist parents with selecting a prekindergarten for their child. Requires the department to establish a toll-free hotline and Internet website to provide information to parents. Provides that voluntary universal prekindergarten be delivered by a diverse network of private, public, and faith-based providers. Provides for additional support services; Requires that each prekindergarten application form include a place for parents to list the child's needs and services. Provides that voluntary universal prekindergarten programs must address and enhance each child's ability to make age-appropriate progress. Establishes criteria for providers wishing to participate as voluntary universal prekindergarten providers. Requires the State Board of Education to annually assess the state's capacity to provide universal prekindergarten programs. Creates state and local early learning councils. Provides for the transfer of equipment, facilities, and other resources to the early learning council. Requires the Department of Education to ensure that a statewide network for resource and referral is established. Requires the department to contract with the state resource and referral agency to provide a statewide toll-free Warm-Line to provide assistance and consultation to early childhood education providers. Creates the Business Partnership for Early Learning. Specifies the power and authority of the Business Partnership board. Requires programs serving children from birth to 5 years of age to provide a learning environment containing specified activities to foster brain development. Authorizes each early learning council to contract with a central agency or other qualified entity to perform duties assigned to the council. Revises criteria for certain programs to be designated "Gold Seal Quality" programs. (See bill for details.)