

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representatives Ausley, Kosmas, and Rich offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Chapter 1014, Florida Statutes, shall be  
6 entitled "Early Learning" and shall consist of ss. 1014.01-  
7 1014.54.

8 Section 2. Part I of chapter 1014, Florida Statutes, shall  
9 be entitled "General Provisions" and shall consist of ss.  
10 1014.01-1014.10.

11 Section 3. Section 1014.01, Florida Statutes, is created  
12 to read:

13 1014.01 Name.--Chapter 1014 shall be known as "Early  
14 Learning."

15 Section 4. Section 1014.02, Florida Statutes, is created  
16 to read:

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17 1014.02 Definitions.--When used in this chapter and other  
18 sections of Florida Statutes referenced in this chapter,  
19 specific definitions shall be as follows:

20 (1) "Child care center" means the type of early childhood  
21 education provider defined in s. 402.302.

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

23 (3) "Director" means an onsite person ultimately  
24 responsible for the overall operation of a child care center or  
25 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 development or  
28 child care, that is provided for a period of less than 24 hours  
29 per day on a regular basis, and for which a payment of a fee or  
30 grant is made.

31 (5) "Early childhood education provider" means a provider  
32 of early childhood education services. The term includes public  
33 and private providers, including child care centers, specialized  
34 child care centers for mildly ill children, family child care  
35 homes, large family child care homes, and informal providers,  
36 regardless of whether a provider is licensed, registered, exempt  
37 from licensure, or unregulated under s. 402.305.

38 (6) "Early learning" means the enhancement of a child's  
39 ability to make age-appropriate progress in the development of  
40 language and cognitive capabilities, including early literacy  
41 skills, emotional, social, regulatory, and moral capacities,  
42 through education in basic skills, as part of an early learning  
43 program provided pursuant to this chapter.

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44        (7) "Early Learning Council" means the council established  
45 in s. 1014.41 to administer early childhood education programs  
46 and services, excluding voluntary universal prekindergarten, at  
47 the local level.

48        (8) "Early learning funds" means all state and federal  
49 funds appropriated to the Department of Education for delivery  
50 and administration of early learning programs. Except as  
51 otherwise expressly provided by law, the term does not include  
52 funds provided for the Business Partnership for Early Learning  
53 under s. 1014.50.

54        (9) "Early learning programs" means programs that provide  
55 state-funded services under this chapter, including early  
56 childhood education and the voluntary universal prekindergarten  
57 program.

58        (10) "Family day care home" means the type of early  
59 childhood education provider defined in s. 402.302(7).

60        (11) "Informal provider" means a service provider that is  
61 unregulated under part IV of this chapter and, accordingly, is  
62 not required to be licensed or registered under part IV of this  
63 chapter, and is not exempted from licensure pursuant to s.  
64 402.305. The term includes an arrangement in which early  
65 childhood education is provided by a relative of the child or by  
66 another unregulated caregiver, regardless of whether those  
67 services are provided in the child's residence or at another  
68 location.

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

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72       (13) "Large family child care home" means the type of  
73 early childhood education provider defined in s. 402.302(8).

74       (14) "Operator" means an onsite person ultimately  
75 responsible for the overall operation of a family child care  
76 home or large family child care home, regardless of whether he  
77 or she is the owner of the home.

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

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

82       (17) "Single point of entry" means an integrated  
83 information system that allows a parent to enroll his or her  
84 child in early learning programs at various locations throughout  
85 the county or multicounty region served by an early learning  
86 council, that may allow a parent to enroll his or her child by  
87 telephone or through an Internet website, and that uses a  
88 unified waiting list to track eligible children waiting for  
89 enrollment in available early learning programs.

90       (18) "Voluntary universal prekindergarten funds" means all  
91 state funds appropriated to the Department of Education for the  
92 voluntary universal prekindergarten program.

93       (19) "Voluntary universal prekindergarten program" means  
94 the voluntary universal prekindergarten education program  
95 mandated by s.1(b) and (c), Article IX of the State  
96 constitution.

97       (20) "Voluntary Universal prekindergarten provider" means  
98 a provider of the voluntary universal prekindergarten program.  
99 The term includes all providers that meet the criteria specified

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100 in s.1014.27 and have signed a funding agreement pursuant to s.  
101 1014.28.

102 Section 5. Section 1014.03, Florida Statutes, is created  
103 to read:

104 1014.03 Governance; state and local.--

105 (1) STATE BOARD OF EDUCATION.--

106 (a) The State Board of Education is the chief implementing  
107 and coordinating body of public education in Florida, and it  
108 shall focus on high-level policy decisions. It has authority to  
109 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
110 the provisions of law conferring duties upon it for the  
111 improvement of early learning programs including the voluntary  
112 universal prekindergarten program. Except as otherwise provided  
113 herein, it may, as it finds appropriate, delegate its general  
114 powers to the Commissioner of Education or the directors of the  
115 divisions of the department.

116 (b) In order to ensure compliance, the State Board of  
117 Education shall have the authority to request and receive  
118 information, data, and reports from early learning councils and  
119 providers governed by this chapter.

120 1. If an early learning council, a voluntary universal  
121 prekindergarten provider, or an early childhood education  
122 provider cannot satisfactorily document compliance, the State  
123 Board of Education may mandate compliance within a specified  
124 timeframe.

125 2. If the State Board of Education determines that an  
126 early learning council, a voluntary universal prekindergarten  
127 provider, or an early childhood education provider is unwilling

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128 or unable to comply with law or state board rule within the  
129 specified time, the State Board of Education shall have the  
130 authority to initiate any of the following actions:

131 a. Report to the Legislature that the early learning  
132 council, voluntary universal prekindergarten provider, or an  
133 early childhood education provider has been unwilling or unable  
134 to comply with law or state board rule and recommend action to  
135 be taken by the Legislature.

136 b. Withhold the transfer of state funds, discretionary  
137 grant funds, or any other funds specified as eligible for this  
138 purpose by the Legislature until the early learning council,  
139 voluntary universal prekindergarten provider, or an early  
140 childhood education provider complies with the law or state  
141 board rule.

142 c. Require monthly or periodic reporting on the situation  
143 related to noncompliance until it is remedied.

144 (c) The State Board of Education shall ensure that  
145 administrative costs associated with delivering early childhood  
146 education programs and services during fiscal year 2004-2005 do  
147 not exceed administrative costs associated with delivering those  
148 programs and services during fiscal year 2003-2004.

149 (d) The State Board of Education may adopt rules pursuant  
150 to ss. 120.536(1) and 120.54 necessary for the implementation of  
151 this section.

152 (2) EARLY LEARNING ADVISORY COUNCIL.--The Early Learning  
153 Advisory Council shall be responsible for the activities  
154 prescribed in s. 1014.05.

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155       (3) DEPARTMENT OF EDUCATION.--The Department of Education  
156 shall be responsible for:

157       (a) Developing standards for all early learning programs.

158       (b) Facilitating the process by which early learning  
159 instructional personnel meet minimum training standards as  
160 specified in s. 1014.07.

161       (c) Providing technical assistance to early learning  
162 councils and all providers.

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

165       (e) Creating and implementing a consumer education and  
166 protection program as specified in s. 1014.43.

167       (f) Providing or securing provision of services and  
168 functions necessary for effective and efficient implementation  
169 of this chapter.

170       (4) COMMISSIONER OF EDUCATION.--The Commissioner of  
171 Education is authorized to suspend or prohibit an eligible  
172 voluntary universal prekindergarten provider or early childhood  
173 education provider from participation in publicly-funded early  
174 learning programs and to take other action as necessary to  
175 ensure compliance with program provider eligibility.

176       (a) The Commissioner of Education may investigate  
177 allegations of noncompliance with law or state board rule and  
178 may determine probable cause.

179       (b) The Commissioner of Education shall report to the  
180 State Board of Education noncompliance with law or state board  
181 rule.

182       (c) In addition, the Commissioner of Education shall:

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183 1. Oversee the compliance of the Division of Early  
184 Learning and early learning councils with curriculum standards  
185 defined in s. 1014.47 and state board rules.

186 2. Oversee the evaluation and accountability components  
187 of the programs as defined in s.1014.07 and state board rule.

188 (5) DIVISION OF EARLY LEARNING.--The Division of Early  
189 Learning shall be responsible for the administration of early  
190 learning programs. The division shall issue fiscal and policy  
191 guidance to early learning councils including standard contract  
192 and voucher agreement language. In addition, the division is  
193 responsible for issuing guidance to early learning councils  
194 regarding payment rates, parent fees, and other matters related  
195 the early learning program.

196 (a) Pursuant to federal regulations, the division shall  
197 ensure that no more than 5 percent of aggregate funds in each  
198 fiscal year is expended for administrative activities. The  
199 division shall work with subrecipients to properly classify and  
200 capture expenditures as direct, non-direct and administrative.

201 (b) The division shall establish and maintain contracting,  
202 payment and reporting systems that provide timely information to  
203 the Legislature including, but not limited to, information about  
204 expenditures and numbers of children served.

205 (c) The division shall maintain a list of providers of  
206 publicly funded early learning programs.

207 (d) The division shall implement audit procedures to  
208 ensure that providers have accurately been designated as  
209 eligible to provide the voluntary universal prekindergarten  
210 program.

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211 (e) In an effort to provide for the efficient use of  
212 program funding, the division shall fully utilize federal funds,  
213 as well as state and local matching funds.

214 (f) The division shall be responsible to ensure that  
215 federal and state funds are used in compliance with laws,  
216 regulations, and contracts or grant agreements and that  
217 performance goals are achieved.

218 (g) The division shall be responsible for developing and  
219 distributing information about best practices for effective and  
220 cost efficient service delivery and management of early learning  
221 programs.

222 (h) The division shall establish a means by which the  
223 public can provide comments and recommendations for the  
224 successful implementation of the voluntary universal  
225 prekindergarten program.

226 (i) The division shall provide means by which individuals  
227 may notify the Department of Education of any provider that may  
228 be in violation of state laws or rules relating to the voluntary  
229 universal prekindergarten program.

230 (j) The division shall ensure that the early childhood  
231 education and voluntary universal prekindergarten programs are  
232 delivered as a continuum of services for children ages birth to  
233 5 and that effective mechanisms and procedures for coordination  
234 between the programs are implemented throughout the state.

235 Section 6. Section 20.15, Florida Statutes, is amended to  
236 read:

237 20.15 Department of Education.--There is created a  
238 Department of Education.

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239 (1) STATE BOARD OF EDUCATION.--In accordance with s. 2,  
240 Art. IX of the State Constitution, the State Board of Education  
241 is a body corporate and must supervise the system of free public  
242 education as is provided by law. The State Board of Education is  
243 the head of the Department of Education.

244 (2) COMMISSIONER OF EDUCATION.--The Commissioner of  
245 Education is appointed by the State Board of Education and  
246 serves as the Executive Director of the Department of Education.

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

- 249 (a) Division of Community Colleges.  
250 (b) Division of Public Schools.  
251 (c) Division of Colleges and Universities.  
252 (d) Division of Vocational Rehabilitation.  
253 (e) Division of Blind Services.  
254 (f) Division of Early Learning.

255 (4) DIRECTORS.--The directors of all divisions shall be  
256 appointed by the commissioner subject to approval by the state  
257 board.

258 (5) POWERS AND DUTIES.--The State Board of Education and  
259 the Commissioner of Education shall assign to the divisions such  
260 powers, duties, responsibilities, and functions as are necessary  
261 to ensure the greatest possible coordination, efficiency, and  
262 effectiveness of education for students in K-20 education.

263 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything  
264 contained in law to the contrary, the commissioner shall appoint  
265 all members of all councils and committees of the Department of  
266 Education, except the Commission for Independent Education, and

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267 | the Education Practices Commission, and the Early Learning  
268 | Advisory Council.

269 | (7) BOARDS.--Notwithstanding anything contained in law to  
270 | the contrary, all members of the university and community  
271 | college boards of trustees must be appointed according to  
272 | chapter 1001.

273 | Section 7. Section 20.50, Florida Statutes, is amended to  
274 | read:

275 | 20.50 Agency for Workforce Innovation.--There is created  
276 | the Agency for Workforce Innovation within the Department of  
277 | Management Services. The agency shall be a separate budget  
278 | entity, and the director of the agency shall be the agency head  
279 | for all purposes. The agency shall not be subject to control,  
280 | supervision, or direction by the Department of Management  
281 | Services in any manner, including, but not limited to,  
282 | personnel, purchasing, transactions involving real or personal  
283 | property, and budgetary matters.

284 | (1) The Agency for Workforce Innovation shall ensure that  
285 | the state appropriately administers federal and state workforce  
286 | funding by administering plans and policies of Workforce  
287 | Florida, Inc., under contract with Workforce Florida, Inc. The  
288 | operating budget and midyear amendments thereto must be part of  
289 | such contract.

290 | (a) All program and fiscal instructions to regional  
291 | workforce boards shall emanate from the agency pursuant to plans  
292 | and policies of Workforce Florida, Inc. Workforce Florida, Inc.,  
293 | shall be responsible for all policy directions to the regional  
294 | boards.

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295 (b) Unless otherwise provided by agreement with Workforce  
296 Florida, Inc., administrative and personnel policies of the  
297 Agency for Workforce Innovation shall apply.

298 (2) The Agency for Workforce Innovation shall be the  
299 designated administrative agency for receipt of federal  
300 workforce development grants and other federal funds, and shall  
301 carry out the duties and responsibilities assigned by the  
302 Governor under each federal grant assigned to the agency. The  
303 agency shall be a separate budget entity and shall expend each  
304 revenue source as provided by federal and state law and as  
305 provided in plans developed by and agreements with Workforce  
306 Florida, Inc. The agency shall prepare and submit as a separate  
307 budget entity a unified budget request for workforce  
308 development, in accordance with chapter 216 for, and in  
309 conjunction with, Workforce Florida, Inc., and its board. The  
310 head of the agency is the director of Workforce Innovation, who  
311 shall be appointed by the Governor. Accountability and reporting  
312 functions of the agency shall be administered by the director or  
313 his or her designee. Included in these functions are budget  
314 management, financial management, audit, performance management  
315 standards and controls, assessing outcomes of service delivery,  
316 and financial administration of workforce programs pursuant to  
317 s. 445.004(5) and (9). Within the agency's overall  
318 organizational structure, the agency shall include the following  
319 offices which shall have the specified responsibilities:

320 (a) The Office of Workforce Services shall administer the  
321 unemployment compensation program, the Rapid Response program,  
322 the Work Opportunity Tax Credit program, the Alien Labor

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323 Certification program, and any other programs that are delivered  
324 directly by agency staff rather than through the one-stop  
325 delivery system. The office shall be directed by the Deputy  
326 Director for Workforce Services, who shall be appointed by and  
327 serve at the pleasure of the director.

328 (b) The Office of Program Support and Accountability shall  
329 administer state merit system program staff within the workforce  
330 service delivery system, pursuant to policies of Workforce  
331 Florida, Inc. The office shall be responsible for delivering  
332 services through the one-stop delivery system and for ensuring  
333 that participants in welfare transition programs receive case  
334 management services, diversion assistance, support services,  
335 including subsidized child care and transportation services,  
336 Medicaid services, and transition assistance to enable them to  
337 succeed in the workforce. The office shall also be responsible  
338 for program quality assurance, grants and contract management,  
339 contracting, financial management, and reporting. The office  
340 shall be directed by the Deputy Director for Program Support and  
341 Accountability, who shall be appointed by and serve at the  
342 pleasure of the director. The office shall be responsible for:

343 1. Establishing monitoring, quality assurance, and quality  
344 improvement systems that routinely assess the quality and  
345 effectiveness of contracted programs and services.

346 2. Annual review of each regional workforce board and  
347 administrative entity to ensure adequate systems of reporting  
348 and control are in place, and monitoring, quality assurance, and  
349 quality improvement activities are conducted routinely, and  
350 corrective action is taken to eliminate deficiencies.

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351 (c) The Office of Agency Support Services shall be  
352 responsible for procurement, human resource services, and  
353 information services including delivering information on labor  
354 markets, employment, occupations, and performance, and shall  
355 implement and maintain information systems that are required for  
356 the effective operation of the one-stop delivery system ~~and the~~  
357 ~~school readiness services system~~, including, but not limited to,  
358 those systems described in s. 445.009. The office will be under  
359 the direction of the Deputy Director for Agency Support  
360 Services, who shall be appointed by and serve at the pleasure of  
361 the director. The office shall be responsible for establishing:

362 1. Information systems and controls that report reliable,  
363 timely and accurate fiscal and performance data for assessing  
364 outcomes, service delivery, and financial administration of  
365 workforce programs pursuant to s. 445.004(5) and (9).

366 2. Information systems that support service integration  
367 and case management by providing for case tracking for  
368 participants in welfare transition programs.

369 ~~3. Information systems that support school readiness~~  
370 ~~services.~~

371 (d) The Unemployment Appeals Commission, authorized by s.  
372 443.012, shall not be subject to the control, supervision, or  
373 direction by the Agency for Workforce Innovation in the  
374 performance of its powers and duties but shall receive any and  
375 all support and assistance from the agency that may be required  
376 for the performance of its duties.

377 (3) The Agency for Workforce Innovation shall serve as the  
378 designated agency for purposes of each federal workforce

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379 development grant assigned to it for administration. The agency  
380 shall carry out the duties assigned to it by the Governor, under  
381 the terms and conditions of each grant. The agency shall have  
382 the level of authority and autonomy necessary to be the  
383 designated recipient of each federal grant assigned to it, and  
384 shall disperse such grants pursuant to the plans and policies of  
385 Workforce Florida, Inc. The director may, upon delegation from  
386 the Governor and pursuant to agreement with Workforce Florida,  
387 Inc., sign contracts, grants, and other instruments as necessary  
388 to execute functions assigned to the agency. Notwithstanding  
389 other provisions of law, the following federal grants and other  
390 funds are assigned for administration to the Agency for  
391 Workforce Innovation:

392 (a) Programs authorized under Title I of the Workforce  
393 Investment Act of 1998, Pub. L. No. 105-220, except for programs  
394 funded directly by the United States Department of Labor under  
395 Title I, s. 167.

396 (b) Programs authorized under the Wagner-Peyser Act of  
397 1933, as amended, 29 U.S.C. ss. 49 et seq.

398 (c) Welfare-to-work grants administered by the United  
399 States Department of Labor under Title IV, s. 403, of the Social  
400 Security Act, as amended.

401 (d) Activities authorized under Title II of the Trade Act  
402 of 1974, as amended, 2 U.S.C. ss. 2271 et seq., and the Trade  
403 Adjustment Assistance Program.

404 (e) Activities authorized under chapter 41 of Title 38  
405 U.S.C., including job counseling, training, and placement for  
406 veterans.

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407 (f) Employment and training activities carried out under  
408 the Community Services Block Grant Act, 42 U.S.C. ss. 9901 et  
409 seq.

410 (g) Employment and training activities carried out under  
411 funds awarded to this state by the United States Department of  
412 Housing and Urban Development.

413 (h) Designated state and local program expenditures under  
414 part A of Title IV of the Social Security Act for welfare  
415 transition workforce services associated with the Temporary  
416 Assistance for Needy Families Program.

417 (i) Programs authorized under the National and Community  
418 Service Act of 1990, 42 U.S.C. ss. 12501 et seq., and the  
419 Service-America programs, the National Service Trust programs,  
420 the Civilian Community Corps, the Corporation for National and  
421 Community Service, the American Conservation and Youth Service  
422 Corps, and the Points of Light Foundation programs, if such  
423 programs are awarded to the state.

424 (j) The Unemployment Compensation program provided  
425 pursuant to chapter 443.

426 (k) Other programs funded by federal or state  
427 appropriations, as determined by the Legislature in the General  
428 Appropriations Act or by law.

429 (4) The Agency for Workforce Innovation shall provide or  
430 contract for training for employees of administrative entities  
431 and case managers of any contracted providers to ensure they  
432 have the necessary competencies and skills to provide adequate  
433 administrative oversight and delivery of the full array of

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434 client services pursuant to s. 445.004(5)(b). Training  
435 requirements include, but are not limited to:

436 (a) Minimum skills, knowledge, and abilities required for  
437 each classification of program personnel utilized in the  
438 regional workforce boards' service delivery plans.

439 (b) Minimum requirements for development of a regional  
440 workforce board supported personnel training plan to include  
441 preservice and inservice components.

442 (c) Specifications or criteria under which any regional  
443 workforce board may award bonus points or otherwise give  
444 preference to competitive service provider applications that  
445 provide minimum criteria for assuring competent case management,  
446 including, but not limited to, maximum caseload per case  
447 manager, current staff turnover rate, minimum educational or  
448 work experience requirements, and a differentiated compensation  
449 plan based on the competency levels of personnel.

450 (d) Minimum skills, knowledge, and abilities required for  
451 contract management, including budgeting, expenditure, and  
452 performance information related to service delivery and  
453 financial administration, monitoring, quality assurance and  
454 improvement, and standards of conduct for employees of regional  
455 workforce boards and administrative entities specifically  
456 related to carrying out contracting responsibilities.

457 Section 8. Sections 402.26, 402.301, 402.3016, 402.302,  
458 402.30501, 402.3135, 402.3145, 411.01, and 411.012, Florida  
459 Statutes, are repealed.

460 Section 9. Section 1014.04, Florida Statutes is created to  
461 read:

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1014.04 Early Learning Advisory Council.--

(1) The Governor shall appoint an Early Learning Advisory Council to advise the Commissioner of Education concerning implementation of the voluntary universal prekindergarten program, transition of school readiness programs to the Department of Education, and operation of early learning programs.

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

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

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

(c) A Head Start service provider;

(d) A representative of a program for prekindergarten programs for children with disabilities under the Individuals with Disabilities Education Act;

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

(f) A public school superintendent;

(g) The chair of an early learning council;

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

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

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

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

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490       (1) A minimum of four representatives of the private  
491 business community who do not derive their income from the  
492 delivery of early childhood education.

493       (3) The members must be geographically and demographically  
494 representative of the state. The governor may appoint additional  
495 members to ensure balanced representation.

496       (4) Members are subject to the ethics provisions in part  
497 III of chapter 112.

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

501       (6) Members shall serve without compensation but are  
502 entitled to reimbursement for per diem and travel expenses  
503 incurred in the performance of their duties as provided in s.  
504 112.061, and reimbursement for other reasonable, necessary, and  
505 actual expenses.

506       Section 10. Section 1014.05, Florida Statutes, is created  
507 to read:

508       1014.05 Parental involvement.--The involvement of parents  
509 is critical to a child's readiness to learn; therefore, nothing  
510 in this chapter shall be construed to limit the role of a  
511 child's parents as their first teacher.

512       (1) To provide opportunities for effective parental  
513 involvement, early learning councils shall ensure that  
514 information is made available to parents to enable them to make  
515 informed choices about their child's participation in early  
516 learning programs, including:

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

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

521 (c) The requirements of the consumer protection system for  
522 the voluntary universal prekindergarten program, pursuant to  
523 s.1014.22.

524 (2) Parents are expected to be active participants in the  
525 early learning program in which they enroll their child. Early  
526 learning program providers must ensure that opportunities are  
527 made available for parents to support their child in developing  
528 literacy skills and achieving other early learning objectives.

529 Section 11. Section 1014.06, Florida Statutes, is created  
530 to read:

531 1014.06 Early learning personnel; training requirements.--

532 (1) The State Board of Education shall adopt rules  
533 prescribing minimum standards for the training of early learning  
534 personnel. These standards shall ensure that each of the  
535 following early learning personnel successfully completes an  
536 approved introductory course in early childhood education, as  
537 evidenced by passage of a competency examination:

538 (a) Directors and other early childhood education  
539 personnel of child care centers.

540 (b) Directors and other early childhood education  
541 personnel of specialized child care centers for mildly ill  
542 children.

543 (c) Operators of family child care homes.

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

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545  
546 These minimum training standards do not apply to certain  
547 occasional or part-time support staff, including, but not  
548 limited to, swimming instructors, piano teachers, dance  
549 instructors, and gymnastics instructors. Universities, community  
550 colleges, school districts, and private providers are authorized  
551 to coordinate or provide this training.

552 (2) The department shall grant exemptions from all or a  
553 portion of the required training to a director or other early  
554 childhood education personnel of a child care center, of a  
555 specialized child care center for mildly ill children, of a  
556 large family child care home, or of a family child care home,  
557 based upon educational credentials or passage of competency  
558 examinations. A director or other early childhood education  
559 personnel of a child care center, or of a specialized child care  
560 center for mildly ill children, of a large family child care  
561 home or of a family child care home, who possesses a 2-year  
562 degree or higher that includes 6 college credit hours in early  
563 child development or child growth and development, or a child  
564 development associate credential, an equivalent state-approved  
565 child development associate credential, or a child development  
566 associate waiver certificate shall be automatically exempted  
567 from the training requirements in paragraph (3)(b), paragraph  
568 (3)(d), and paragraph (3)(e).

569 (3) The introductory course for directors and other early  
570 childhood education personnel of child care centers and  
571 specialized child care centers for mildly ill children, and for  
572 operators of large family child care homes, shall be 45 clock

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573 hours. The introductory course for operators of family child  
574 care homes shall be 30 clock hours. Each approved introductory  
575 course must cover at least the following topic areas:

576 (a) State and local rules and regulations governing early  
577 learning programs.

578 (b) Health, safety, and nutrition.

579 (c) Identifying and reporting of child abuse and neglect.

580 (d) Early learning, including typical and atypical  
581 language, cognitive, motor, social, and self-help skills  
582 development.

583 (e) Observation of developmental behaviors, including the  
584 use of a checklist or other similar observation tools and  
585 techniques to determine the child's developmental age level.

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

588 (g) Other specialized areas as determined by the State  
589 Board of Education. For directors and early childhood education  
590 personnel of child care centers and specialized child care  
591 centers for mildly ill children, these specialized topic areas  
592 must also include computer technology for professional and  
593 classroom use.

594 (h) The introductory course for directors and early  
595 education personnel of child care centers, and of specialized  
596 child care centers for mildly ill children, shall stress, to the  
597 maximum extent practicable, an interdisciplinary approach to the  
598 study of children.

599 (4)(a) Each operator of a family child care home must  
600 successfully complete the training required under this section,

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601 as evidenced by passage of the competency examination, before  
602 providing early learning programs to a child.

603 (b) Each director or other early childhood education  
604 personnel of a child care center or specialized child care  
605 center for mildly ill children, and each operator of a large  
606 family child care home, must:

607 1. Begin training to meet the training requirements within  
608 90 days after initial employment within the early learning field  
609 in this state; and

610 2. Successfully complete the training required under this  
611 section, as evidenced by passage of the competency examination,  
612 within 1 year after the date on which the training begins.

613 (5)(a) In order to further their early learning programs  
614 and, if appropriate, administrative skills, each director,  
615 operator, or other early childhood education personnel required  
616 to be trained under this section who has fulfilled the  
617 requirements for the introductory training, must annually  
618 complete an additional 1 continuing education unit of approved  
619 inservice training, or 10 clock hours of equivalent training, as  
620 determined by the State Board of Education.

621 (b) Each director, operator, or early childhood education  
622 personnel required to be trained under this section must  
623 complete 0.5 continuing education units of approved training or  
624 5 clock hours of equivalent training, as determined by the  
625 department, in early literacy and language development of  
626 children from birth to 5 years of age.

627 Section 12. Section 1014.061, Florida Statutes, is created  
628 to read:

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629 1014.061 Child development associate and child development  
630 associate equivalent curriculum.--

631 (1) The Department of Education shall conduct a program  
632 review of all currently approved child development associate and  
633 child development associate equivalent educational programs and  
634 any corresponding state requirements in order to assess the  
635 curriculum and testing requirements and to develop methods for  
636 the improvement of these requirements and procedures. The  
637 evaluation shall be conducted every 3 years. The evaluation  
638 shall include, but not be limited to, a determination of the  
639 accessibility, quality, scope, and sources of current training;  
640 a determination of the need for specialty training; and a  
641 determination of ways to increase inservice training and ways to  
642 increase the accessibility, quality, and cost-effectiveness of  
643 current and proposed training.

644 (2) The State Board of Education shall establish rules  
645 identifying curriculum standards for the approval of child  
646 development associate and child development associate equivalent  
647 programs, and for the renewal of the child development associate  
648 or child development associate equivalent credential. The  
649 curriculum standards for the child development associate  
650 equivalent shall include a requirement for successful completion  
651 of a competency based examination for which a professional  
652 certificate will be awarded. The curriculum standards and the  
653 renewal requirement for the equivalent state-approved child  
654 development associate credential shall include literacy  
655 education, effective practices for increasing parental  
656 involvement, and strategies to meet the needs of non-English-

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657 speaking children and children with disabilities. Universities,  
658 community colleges, school districts, and private providers are  
659 authorized to deliver training for professional development.

660 Section 13. Section 1014.062, Florida Statutes, is created  
661 to read:

662 1014.062 Trainer qualifications.--Early learning  
663 professionals teaching an approved 45 clock-hour introductory  
664 course, a child development associate credential, or an  
665 equivalent state-approved child development associate credential  
666 shall meet the following qualifications at a minimum:

667 (1) Be at least 21 years old.

668 (2) Complete the training course developed by the  
669 Department of Education.

670 (3) Meet one of the following educational and experiential  
671 credentials verified by the training coordinating agency:

672 a. Four-year college degree or higher with 6 college  
673 credit hours in early childhood education, plus 480 hours  
674 experience in a child care setting serving children ages birth  
675 through 5 years of age or a teaching certificate.

676 b. A.S. or A.A. degree in child development, plus 480  
677 hours experience in a child care setting serving children birth  
678 through five years of age.

679 c. Associate degree with 6 college credit hours in early  
680 childhood education, plus 960 hours experience in a child care  
681 setting serving children birth through five years of age.

682 Section 14. Section 1014.063, Florida Statutes, is created  
683 to read:

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684       1014.063 Early learning personnel training capacity.--The  
685 department shall conduct an evaluation of training requirements  
686 and testing procedures for early learning personnel in order to  
687 assess the status of this training and testing and to develop  
688 methods for improving these requirements and procedures. The  
689 evaluation shall be conducted every 3 years and shall include,  
690 but not be limited to, a determination of the accessibility,  
691 quality, scope, and sources of current training; a determination  
692 of the need for specialty training; and a determination of ways  
693 to increase inservice training and accessibility, quality, and  
694 cost-effectiveness of current and proposed training.

695       Section 15. Section 1014.064, Florida Statutes, is created  
696 to read:

697       1014.064 Articulation.--The State Board of Education shall  
698 development guidelines for the articulation required in this  
699 subsection which maximize local flexibility in developing inter-  
700 institutional articulation agreements while assuring students in  
701 the field of early learning the ability to proceed toward their  
702 higher educational and professional objectives. The State Board  
703 of Education shall establish in rule a statewide articulation  
704 agreement in which:

705       (1) Successful completion of the 45-clock-hour  
706 introductory course shall reduce the number of hours required  
707 for the equivalent state-approved child development associate  
708 credential by 45 hours. The specific competencies into which the  
709 hours articulate shall be determined by the State Board of  
710 Education.

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711 (2) Successful completion of a child development associate  
712 credential or an equivalent state-approved child development  
713 associate credential shall articulate into a minimum of 12  
714 community college credit hours in early childhood education. The  
715 specific courses into which the credits articulate shall be  
716 determined by the local community college.

717 (3) Successful completion of the early childhood education  
718 Associate Degree shall articulate into the appropriate state  
719 university baccalaureate degree program.

720 Section 16. Section 1014.065, Florida Statutes, is created  
721 to read:

722 1014.065 Experience credit.--

723 (1) The State Board of Education shall develop, in rule, a  
724 process by which early learning personnel who have completed the  
725 introductory training program prior to June 30, 1999, and who  
726 have been employed no less than 5 years as early childhood  
727 education personnel may have an opportunity to earn an  
728 equivalent state-approved child development associate  
729 credential. The process should, at a minimum, include:

730 (a) A procedure for application and determination of  
731 eligibility.

732 (b) A method of measuring competency that shall include  
733 observation of the applicant in an early learning setting by a  
734 qualified observer and successful completion of the child  
735 development associate equivalent competency based examination.

736 (2) This subsection shall expire on June 30, 2009, unless  
737 reenacted by the Legislature.

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738 Section 17. Section 402.3017, Florida Statutes, is  
739 transferred, renumbered as section 1014.07, Florida Statutes,  
740 and amended to read:

741 1014.07 402.3017 Early learning quality initiatives  
742 Teacher Education and Compensation Helps (TEACH) Early Childhood  
743 Project scholarship program.--

744 ~~(1) The Legislature finds that the level of early child~~  
745 ~~care teacher education and training is a key predictor for~~  
746 ~~determining program quality. The Legislature also finds that~~  
747 ~~low wages for child care workers prevent many from obtaining~~  
748 ~~increased training and education and contribute to high turnover~~  
749 ~~rates. The Legislature therefore, intends to help fund a~~  
750 ~~program which links teacher training and education to~~  
751 ~~compensation and commitment to the field of child care.~~

752 ~~(1)(2) The department may Department of Children and~~  
753 ~~Family Services is authorized to contract for the administration~~  
754 ~~of the Teacher Education and Compensation Helps (TEACH) Early~~  
755 ~~Childhood Project. The project shall be based on its national~~  
756 ~~model and shall provide scholarship program, which provides~~  
757 ~~educational scholarships to caregivers and administrators of~~  
758 ~~early childhood programs, family day care homes, and large~~  
759 ~~family early childhood education personnel child care homes.~~

760 (2) The department may contract for the administration of  
761 the Home Instruction for Parents of Preschool Youngsters (HIPPY)  
762 program. The program shall be based on its national model and  
763 shall encourage parental involvement in early learning programs  
764 by providing parents with assistance in preparing their children  
765 for school.

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766 (3) The department may ~~shall~~ adopt rules under s.  
767 120.536(1) and s. 120.54 ~~as necessary~~ to administer ~~implement~~  
768 this section.

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

772 Section 18. Section 1014.08, Florida Statutes, is created  
773 to read:

774 1014.08 Accountability.--

775 (1) LEGISLATIVE INTENT.--It is the intent of the  
776 Legislature that:

777 (a) The performance accountability system implemented to  
778 assess the effectiveness of Florida's publicly-funded early  
779 learning programs, including the voluntary universal  
780 prekindergarten program, must provide answers to the following  
781 questions:

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

784 2. How effective are the early learning programs and  
785 providers in preparing children to be "ready" for kindergarten?

786 3. How effective and efficient are the local early  
787 learning councils in meeting performance standards established  
788 by the State Board of Education?

789 4. How effective and efficient are the State Board of  
790 Education and Commissioner of Education in administering and  
791 supporting early learning programs?

792 (b) The early learning performance accountability system  
793 shall be established as a single, unified accountability system

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794 with multiple components including, but not limited to, measures  
795 of a child's readiness for kindergarten; program effectiveness  
796 including effectiveness of the voluntary universal  
797 prekindergarten program; effectiveness of the Department of  
798 Education, early learning councils, and early learning  
799 providers; and return on investment. The State Board of  
800 Education shall be responsible for maintaining a comprehensive  
801 early learning performance accountability system.

802 (c) The State Board of Education shall recommend to the  
803 Legislature, no later than January 2005, early learning  
804 performance measures and standards including the components  
805 identified in subsection (1)(a).

806 (d) The Legislature must adopt early learning performance  
807 measures and standards no later than June 2005. The measures and  
808 standards adopted by the Legislature shall provide Floridians  
809 with information on what the public is receiving in return for  
810 the funds it invests in early learning programs and answer the  
811 other questions identified in subsection (1)(a).

812 (e) Each early learning council must conduct an annual  
813 evaluation of the effectiveness of its early childhood education  
814 programs. The results of the evaluations shall be submitted in  
815 the manner prescribed by the Department of Education and made  
816 available to the public upon request. This evaluation shall  
817 include components prescribed by the State Board of Education  
818 and, at a minimum, measures of the following:

819 1. The children's achievement as measured by age-  
820 appropriate assessments upon entry into the program and upon  
821 completion of the program; and

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822       2. The children's readiness for kindergarten as measured  
823 by the instrument adopted by the State Board of Education to  
824 assess the school readiness of all children entering  
825 kindergarten.

826       (2) MISSION, GOALS, PERFORMANCE MEASURES.--

827       (a) The mission of early learning programs is to provide  
828 the elements necessary to prepare children for school, including  
829 health screening and referral, a developmentally appropriate  
830 educational program, and opportunities for parental involvement.  
831 The purpose of the early learning programs is to assist local  
832 communities in implementing programs that will enable all  
833 children in the community to be prepared for success in school.

834       (b) The State Board of Education shall adopt guiding  
835 principles for establishing state, early learning councils, and  
836 provider standards and measures.

837       (c) The Department of Education shall recommend to the  
838 State Board of Education an early learning accountability system  
839 that determines the efficiency and effectiveness of publicly-  
840 funded early learning programs. The Department of Education  
841 shall consult with early learning stakeholders in the  
842 development of its recommendations.

843       (d) The State Board of Education shall maintain an  
844 accountability system that measures the following goals:

- 845       1. Children's preparedness to enter kindergarten,  
846       2. Children's acquisition of early literacy skills needed  
847 to become successful readers,  
848       3. Parental involvement opportunities provided,

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849 4. Community partnerships leveraged to meet the needs of  
850 children, and

851 5. Assistance to working families.

852 (3) SYSTEM WIDE DATA COLLECTION.--Early learning councils  
853 and state funded providers shall maintain information systems  
854 that will provide the State Board of Education and the  
855 Legislature with information and reports necessary to address  
856 the specifications of the accountability system. The State  
857 Board of Education shall determine the standards for the  
858 required data.

859 (4) RULES.--The State Board of Education shall adopt rules  
860 pursuant to ss. 120.536(1) and 120.54 necessary for the  
861 implementation of this section.

862 Section 19. Section 411.0105, Florida Statutes, is  
863 transferred, renumbered as section 1014.09, Florida Statutes,  
864 and amended to read:

865 1014.09 ~~411.0105~~ Federal Early Learning Opportunities Act  
866 and Even Start Family Literacy Programs; lead agency  
867 responsibilities.--The Governor may designate the Department of  
868 Education as the lead agency for purposes of administration of  
869 the federal Child Care and Development Fund, 45 C.F.R. parts 98  
870 and 99, and the federal Early Learning Opportunities Act, 20  
871 U.S.C. ss. 9401-9413. If designated as the lead agency, the  
872 department must comply with the lead agency responsibilities  
873 under federal law.

874 Section 20. Section 1014.10, Florida Statutes is created  
875 to read:

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876 1014.10 Conflicting provisions.--If a conflicting  
877 provision exists between this chapter and federal requirements,  
878 the federal requirements shall control.

879 Section 21. Part II of chapter 1014, Florida Statutes,  
880 shall be entitled "Voluntary universal prekindergarten program"  
881 and shall consist of ss. 1014.20-1014.32.

882 Section 22. 1014.20 Legislative intent.--

883 (1) The voluntary universal prekindergarten program shall  
884 provide a high-quality prekindergarten learning opportunity that  
885 is voluntary and free for every child in Florida who is 4 years  
886 of age.

887 (2) The program must be organized, designed and delivered  
888 in accordance with sections 1(b) and (c), Article IX, of the  
889 State Constitution.

890 (3) It is the goal of the Legislature that 100% of the  
891 children that participate in the voluntary universal  
892 prekindergarten program are assessed as "ready" upon entering  
893 kindergarten.

894 (4) The Legislature recognizes that high-quality voluntary  
895 universal prekindergarten increases children's chances of  
896 achieving future educational success and becoming productive  
897 members of society. It is the intent of the Legislature that  
898 such programs be developmentally appropriate, serve as  
899 preventive measures for children at risk of future school  
900 failure, enhance the educational readiness of all children, and  
901 support family education and the involvement of parents in their  
902 child's educational progress. The voluntary universal  
903 prekindergarten program shall provide the elements necessary to

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904 prepare children for school including, but not limited to,  
905 health screening and referral, a developmentally appropriate  
906 educational program, and opportunities for parental involvement  
907 in the program.

908 (5) The Legislature recognizes that there is a strong  
909 relationship between the skill and preparation of early learning  
910 staff and educational outcomes of children in early learning  
911 programs. To improve educational outcomes, it is the goal of the  
912 Legislature that all early learning staff continually improve  
913 their skill and preparation through education and training so  
914 that in 5 years, at least one staff member in each classroom  
915 will have an associate's degree in the field of early childhood  
916 education or child development and in eight years, at least one  
917 staff member in each classroom will have a bachelor's degree in  
918 the field of early childhood education or child development.

919 (6) It is the intent of the Legislature that the  
920 prekindergarten program exist not as an isolated program, but  
921 build upon existing services and work in cooperation with other  
922 programs for young children.

923 Section 23. Section 1014.21, Florida Statutes, is created  
924 to read:

925 1014.21 Parental rights, choices, and responsibilities.--

926 (1) The voluntary universal prekindergarten program is  
927 expected to assist and support parents in fulfilling their role  
928 as their child's first teachers. To that end, parental  
929 involvement in the program will be characterized by respectful  
930 partnerships between parents and staff and sensitivity to  
931 cultural diversity and language.

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932       (2) Parents must be provided information necessary to make  
933 an informed choice among available prekindergarten program sites  
934 and providers.

935       (3) Each voluntary universal prekindergarten service  
936 provider should have strong expectations of parental involvement  
937 and encourage parents to be involved in getting their children  
938 ready for school.

939       (4) Parents should receive periodic assessments of child  
940 progress and developmental and educational needs. When  
941 necessary and appropriate, parents should be offered assistance  
942 in interpreting assessment information and in accessing  
943 resources to address their child's needs.

944       (5) The universal prekindergarten program is voluntary,  
945 and parents who exercise the option to have their four-year-old  
946 child participate have the responsibility to ensure that the  
947 child experiences a high-quality learning opportunity. In  
948 selecting a voluntary universal prekindergarten service  
949 provider, the parent or guardian should:

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

952       (b) Verify that providers meet all program eligibility  
953 requirements pursuant to this act;

954       (c) Review program performance data that may include  
955 performance of children who have been served by the provider on  
956 the required school readiness screening administered upon entry  
957 into public kindergarten and other program evaluations;

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

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

961 (f) Select the provider that is most appropriate for the  
962 child, based on such considerations as quality of the physical  
963 learning environment (facilities, equipment, materials); regular  
964 periodic assessments of child progress and developmental and  
965 educational needs; literacy-focused curricula and learning  
966 experiences; sensitivity to cultural diversity; recognition of  
967 children's individual needs and rates of learning; the parental  
968 visitation policy; meaningful opportunities for parent  
969 involvement, education, and enrichment; respect for the role of  
970 the parent as the child's first and most vital teacher;  
971 establishment of a partnership between parents and staff in the  
972 child's program; opportunities for parents to grow with their  
973 child and develop parenting skills; and availability of a  
974 variety of resources and services for parents and families.

975 Section 24. Section 1014.22, Florida Statutes, is created  
976 to read:

977 1014.22 Consumer protection; Department of Education,  
978 parents, and guardians.--Parents are responsible for making  
979 informed choices about whether their child should participate in  
980 the voluntary universal prekindergarten program and, if they  
981 decide to participate in the program, selecting the provider  
982 best suited to meet their child's needs. The state serves a  
983 number of important roles in providing consumer protection for  
984 participants in the voluntary universal prekindergarten program  
985 such as prescribing program provider eligibility criteria  
986 (including fiscal soundness, staff credential requirements,

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987 approved curriculum, program length and child to staff ratio),  
988 maintaining a comprehensive public accountability system,  
989 funding the program and infrastructure, research and  
990 development, and disseminating information.

991 (1)(a) The Department of Education shall create and  
992 implement a consumer education and protection program that  
993 strengthens the delivery system. The goal of the program is to  
994 empower families and guardians to make informed decisions about  
995 participation in the voluntary universal prekindergarten  
996 program. The program shall include a variety of strategies that,  
997 at a minimum, communicate the purpose of the program, the  
998 characteristics of a high quality program, application  
999 information, and program eligibility criteria.

1000 (b) The Department of Education shall establish a toll-  
1001 free hotline and Internet website to answer questions and  
1002 provide information regarding the voluntary universal  
1003 prekindergarten program. This hotline shall be separate but  
1004 should be accessible from the single point of entry system. The  
1005 statewide resource and referral system provided pursuant to s.  
1006 1014.48 shall also include information about voluntary  
1007 prekindergarten programs and providers.

1008 (2)(a) Each provider must communicate objective  
1009 information about its program(s) to parents who wish to  
1010 participate in the voluntary prekindergarten education program.

1011 (b) Participating providers must provide evidence on an  
1012 annual basis that they meet all program eligibility criteria  
1013 specified in s. 1014.27.

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1014 Section 25. Section 1014.23, Florida Statutes, is created  
1015 to read:

1016 1014.23 Service delivery and design.--

1017 (1) The voluntary universal prekindergarten program will  
1018 be delivered through a diverse network of high quality private  
1019 not-for-profit, private for-profit, faith-based, and public  
1020 providers. This diversity is necessary to support parental  
1021 choice and maximize use of existing program capacity and  
1022 community resources.

1023 (2) The department will encourage and support partnerships  
1024 among early learning councils, local governments, community and  
1025 faith-based organizations, private schools and early learning  
1026 providers, public schools, and businesses to ensure that the  
1027 capacity of high quality services is adequate to meet  
1028 anticipated demand for voluntary universal prekindergarten.

1029 Section 26. Section 1014.24, Florida Statutes, is created  
1030 to read:

1031 1014.24 Community partnerships.--

1032 (1) Physical, behavioral, and developmental needs of  
1033 children enrolled in the voluntary universal prekindergarten  
1034 program will be addressed through coordination with and referral  
1035 to other local and state agencies or community-based  
1036 partnerships.

1037 (2) Each provider must implement processes for referring  
1038 children who need additional support services to appropriate  
1039 community service providers including, but not limited to,  
1040 public health departments, providers of early intervention  
1041 services, and publicly funded providers of behavioral or

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1042 developmental services. The statewide resource and referral  
1043 system provided pursuant to s. 1014.48 shall include guidelines  
1044 and procedures for referring children for support services.

1045 (3) The application used by parents for voluntary  
1046 universal prekindergarten program enrollment must include an  
1047 inventory of their child's needs and service history so that  
1048 program service providers can identify referral needs.

1049 Section 27. Section 1014.25, Florida Statutes, is created  
1050 to read:

1051 1014.25 Eligibility and application for services.--

1052 (1) Children who are residents of Florida and have  
1053 attained the age of 4 years on or before September 1 of the  
1054 school year are eligible for admission to the voluntary  
1055 universal prekindergarten education program for that school  
1056 year.

1057 (2) Prior to the beginning of the school year, parents  
1058 will be given an opportunity to submit an application for  
1059 voluntary universal prekindergarten program admission for each  
1060 eligible child.

1061 (3) The State Board of Education shall establish by rule  
1062 the procedures for application including, but not limited to,  
1063 the following:

1064 (a) The application form;

1065 (b) The application time period; and

1066 (c) Processes and procedures.

1067 (4) The Department of Education must make information  
1068 about the application process accessible to the public through a

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1069 public information program that includes print and electronic  
1070 media and the Internet.

1071 Section 28. Section 1014.26, Florida Statutes, is created  
1072 to read:

1073 1014.26 Program description.--Voluntary universal  
1074 prekindergarten education program; child expectations,  
1075 curricula, and transition to kindergarten.

1076 (1) The voluntary universal prekindergarten program shall  
1077 be designed to address and enhance each child's ability to make  
1078 age-appropriate progress, provide development of language and  
1079 cognitive capabilities, and provide education in basic and other  
1080 appropriate skills through high-quality learning experiences  
1081 that build upon children's interests and skills.

1082 (2) To define age-appropriate expectations that will  
1083 enable children to be ready for school, the Department of  
1084 Education shall work with the Florida Center for Reading  
1085 Research to review the Florida School Readiness Performance  
1086 Standards for Three-Year Old, Four-Year Old, and Five-Year-Old  
1087 Children 2002 to revise and propose additional or revised  
1088 standards that emphasize early literacy and oral language  
1089 skills, including vocabulary development. The State Board of  
1090 Education shall adopt these literacy and language standards for  
1091 use in the state's voluntary universal prekindergarten program.

1092 (3) Curricula used in voluntary universal prekindergarten  
1093 programs shall be age-appropriate, literacy-focused, and  
1094 responsive to children with special needs including those with  
1095 disabilities, and those whose first language is other than  
1096 English. Such curricula shall be aligned with the expected child

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1097 outcomes, as referenced in subparagraph (1)(a). The State Board  
1098 of Education shall:

1099 (a) Identify curricula that meet the adopted standards;

1100 (b) Provide a mechanism for review and approval of  
1101 additional curricula proposed for use in voluntary universal  
1102 prekindergarten programs; and

1103 (c) Ensure that all voluntary universal prekindergarten  
1104 education programs use curricula that meet the adopted  
1105 standards.

1106 (4) Information related to the child's progress while in  
1107 the voluntary universal prekindergarten program shall be  
1108 submitted to the child's parent on a regular basis and such  
1109 information shall be provided, in the manner prescribed by the  
1110 Department of Education, to the school at which the child  
1111 enrolls for kindergarten.

1112 Section 29. Section 1008.21, Florida Statutes, is amended  
1113 to read:

1114 1008.21 School readiness uniform screening  
1115 (kindergarten).--

1116 (1) The Department of Education shall implement a the  
1117 school readiness uniform screening developed by the Florida  
1118 Partnership for School Readiness, and shall require that all  
1119 school districts administer the ~~kindergarten~~ uniform screening  
1120 to each kindergarten student in the district school system upon  
1121 the student's entry into kindergarten.

1122 (2)(a) ~~The Department of Education shall implement the~~  
1123 ~~school readiness uniform screening to validate the system~~  
1124 ~~recommended by the Florida Partnership for School Readiness as~~

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1125 ~~part of a comprehensive evaluation design. Beginning with the~~  
1126 ~~2002-2003 school year, the department shall require that all~~  
1127 ~~school districts administer the school readiness uniform~~  
1128 ~~screening to each kindergarten student in the district school~~  
1129 ~~system upon the student's entry into kindergarten. Children who~~  
1130 ~~enter public school for the first time in first grade must be~~  
1131 ~~administered the school readiness uniform screening adopted for~~  
1132 ~~use in first grade. The department shall incorporate school~~  
1133 ~~readiness data into the K-20 data warehouse for longitudinal~~  
1134 ~~tracking.~~

1135       ~~(b)~~ The uniform screening shall provide objective data  
1136 regarding ~~the following~~ expectations for school readiness which  
1137 shall include, at a minimum:

1138       ~~1. The child's immunizations and other health requirements~~  
1139 ~~as necessary, including appropriate vision and hearing screening~~  
1140 ~~and examinations.~~

1141       ~~2. The child's physical development.~~

1142       ~~1.3.~~ The child's compliance with rules, limitations, and  
1143 routines.

1144       ~~2.4.~~ The child's ability to perform tasks.

1145       ~~3.5.~~ The child's interactions with peers and adults.

1146       ~~6. The child's interactions with peers.~~

1147       ~~7. The child's ability to cope with challenges.~~

1148       ~~8. The child's self-help skills.~~

1149       ~~9. The child's ability to express his or her needs.~~

1150       ~~10. The child's verbal communication skills.~~

1151       ~~4.11.~~ The child's problem-solving skills.

1152       ~~5.12.~~ The child's ability to follow verbal directions.

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1153 ~~6.13.~~ The child's demonstration of curiosity, persistence,  
1154 and exploratory behavior.

1155 ~~7.14.~~ The child's knowledge of and interest in books and  
1156 other printed materials.

1157 ~~15.~~ ~~The child's ability to pay attention to stories.~~

1158 ~~16.~~ ~~The child's participation in art and music activities.~~

1159 ~~17.~~ ~~The child's ability to identify colors, geometric~~  
1160 ~~shapes, letters of the alphabet, numbers, and spatial and~~  
1161 ~~temporal relationships.~~

1162 (b) The screening system shall measure emerging phonemic  
1163 awareness and phonics skills that are valid and reliable  
1164 predictors for later reading performance.

1165 (3) Recognizing the importance of a child's development in  
1166 the domain of physical health, each district school board shall  
1167 ensure that prior to enrollment in kindergarten, information  
1168 regarding the child's immunizations, physical development, and  
1169 other health information, including appropriate vision and  
1170 hearing screening and examinations as necessary, is obtained as  
1171 required by s. 1003.22.

1172 (4) To enhance each child's ability to make age-  
1173 appropriate progress, each district school board shall also  
1174 provide for ongoing formal and informal assessment of a child's  
1175 social and emotional development. Information obtained through  
1176 such assessments shall be shared with the child's parent and or  
1177 used to guide instruction.

1178 Section 30. Section 1014.27, Florida Statutes, is created  
1179 to read:

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1180 1014.27 Program provider eligibility criteria.--To be  
1181 eligible to participate as a provider in Florida's voluntary  
1182 universal prekindergarten program and be eligible for state  
1183 funds, the provider must be located in Florida and must:

1184 (1) Demonstrate fiscal soundness by being in operation for  
1185 at least one year or being part of a corporation with early  
1186 learning program providers in Florida prior to June 2004.

1187 (2) By the 2006-07 school year, meet Gold Seal standards  
1188 pursuant to s.387.24.

1189 (3) Have a minimum staff ratio of 1:10 and serve at least  
1190 5 children.

1191 (4) Beginning in 2005-06, ensure that one instructional  
1192 staff for every ten children has a minimum staff credential of:

1193 (a) A child development associate credential; or

1194 (b) A credential that is equivalent to or greater than the  
1195 credential required in (a).

1196 (5) Beginning in 2006-2007, a second staff member meeting  
1197 the minimum staff credential prescribed in (4) is required for  
1198 classes of eleven to twenty children.

1199 (6) Use a curriculum that has been determined to meet  
1200 standards set by the State Board of Education pursuant to s.  
1201 1014.26.

1202 (7) Provide parents regular periodic information of the  
1203 child's progress towards attaining age-appropriate developmental  
1204 and early learning outcomes consistent with expectations in s.  
1205 1014.26.

1206 (8) Establish an information and referral process for  
1207 wrap-around services for children who need support beyond what

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1208 is provided within the voluntary universal prekindergarten  
1209 program.

1210 (9) Provide opportunities for parental involvement.

1211 (10) Cultivate and leverage community partnerships.

1212 (11) Annually register with the appropriate early learning  
1213 council. Each owner or operator must provide the following  
1214 information:

1215 (a) The legal business and trade names, mailing address  
1216 and business location of the early learning program;

1217 (b) The full names, addresses, and telephone numbers of  
1218 all owners or operators of the provider; and

1219 (c) A notification of the provider's intent to participate  
1220 in the program under this section.

1221 (12) Offer a program that is 180 days in length and 4  
1222 hours per day or 720 hours per year.

1223 (13) Comply with applicable state and local health and  
1224 safety laws, rules and codes.

1225 Section 31. Section 1014.28, Florida Statutes, is created  
1226 to read:

1227 1014.28 Transportation.--

1228 (1) Voluntary universal prekindergarten funds may not be  
1229 used in any form to provide transportation services for the  
1230 voluntary universal prekindergarten program or for the purchase  
1231 of motor vehicles. Voluntary universal prekindergarten providers  
1232 may provide transportation services for a voluntary universal  
1233 prekindergarten program through other funds, including local  
1234 monies or parent fees.

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1235 (2) Children who are from economically disadvantaged  
1236 families as defined in 1014.40(2) may have the cost of their  
1237 transportation reimbursed pursuant to 1014.42.

1238 Section 32. Section 1014.29, Florida Statutes, is created  
1239 to read:

1240 1014.29 Financial matters.--

1241 (1)(a) In order to maximize parental choice, a voucher in  
1242 the amount established by the Legislature in the General  
1243 Appropriations Act shall be awarded to parents of children who  
1244 are eligible to participate in a voluntary universal  
1245 prekindergarten program. Payment for the voucher will be made to  
1246 the parent for the voluntary universal prekindergarten provider  
1247 of the parent's choice, or if the parent so chooses, directly to  
1248 the provider.

1249 (b) Providers wanting to operate a voluntary universal  
1250 prekindergarten program are required to sign an annual funding  
1251 agreement that must include, at a minimum:

1252 1. Evidence that they meet provider eligibility criteria  
1253 contained in s. 1014.27.

1254 2. Clear statement that a provider will not charge above  
1255 and beyond what the state funds per child, except for  
1256 transportation, food, field trips, late pick-up fees, or other  
1257 related fees.

1258 (2) No liability shall arise on the part of the state  
1259 based on any use of a voucher for a voluntary universal  
1260 prekindergarten program.

1261 Section 33. Section 1014.30, Florida Statutes, is created  
1262 to read:

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1263       1014.30 Budgeting.--All funds associated with the  
1264 voluntary universal prekindergarten program must be appropriated  
1265 in a single and separate budget entity.

1266       Section 34. Section 1014.31, Florida Statutes, is created  
1267 to read:

1268       1014.31 Voluntary universal prekindergarten capacity  
1269 assessment.--

1270       (1) The State Board of Education shall annually assess the  
1271 state's capacity to provide high quality voluntary universal  
1272 prekindergarten programs. This assessment shall include:

1273       (a) The capacity of the early childhood education  
1274 providers to serve the projected 4-year-old population; and

1275       (b) The capacity of educational institutions and other  
1276 training providers to prepare highly qualified personnel for  
1277 early learning, pursuant to s.1014.06.

1278       (2) The assessment shall specifically include the capacity  
1279 needs of each county and be developed in partnership with local  
1280 governments, businesses, community and faith-based  
1281 organizations, and postsecondary educational institutions.

1282       (3) The State Board of Education shall report the findings  
1283 of this assessment and recommendations to improve the state's  
1284 capacity to provide high quality voluntary universal  
1285 prekindergarten programs to the Governor, the President of the  
1286 Senate, and the Speaker of the House on or before September 30  
1287 of each year.

1288       Section 35. Section 1014.32, Florida Statutes, is created  
1289 to read:

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1290        1014.32 Targeted occupation list.--Workforce Florida,  
1291 Inc., shall recognize credentialed placement in the field of  
1292 early learning as a high skill occupation for purposes of  
1293 performance outcome measures pursuant to s.1011.80(4)(c).

1294        Section 36. Part III of chapter 1014, Florida Statutes,  
1295 shall be entitled "Early Learning Opportunities" and shall  
1296 consist of ss. 1014.40-1014.54.

1297        Section 37. Section 1014.40, Florida Statutes is created  
1298 to read:

1299        1014.40 Definitions.--

1300        (1) "Central agency" means a community child care  
1301 coordinating agency, which was established under the former  
1302 subsidized child care program of the Department of Children and  
1303 Family Services.

1304        (2) "Economically disadvantaged" means having a family  
1305 income that does not exceed 150 percent of the federal poverty  
1306 level.

1307        Section 38. Section 1014.41, Florida Statutes, is created  
1308 to read:

1309        1014.41 Early learning councils.--

1310        (1) Effective January 1, 2005, local governance shall be  
1311 through no more than 28 early learning councils.

1312        (2)(a) Early learning councils shall be responsible for  
1313 compliance with law and State Board of Education rules related  
1314 to early childhood education at the local level. In performance  
1315 of these duties, early learning councils must submit, in a  
1316 timely manner, any information requested by the State Board of

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1317 Education or the Department of Education relating to compliance  
1318 accountability and consumer protection.

1319 (b) Early learning councils shall provide oversight and  
1320 accountability for early childhood education at the local level  
1321 that shall include but not be limited to the following:

1322 1. Maintain accurate records including those necessary to  
1323 ensure fiscal and programmatic accountability and compliance  
1324 with laws and State Board of Education rules governing local  
1325 providers of early childhood education.

1326 2. Provide for representation of a fiscal agent, if  
1327 necessary, in compliance with s. 1014.52.

1328 3. Retain legal representation, as necessary, for the  
1329 review and implementation of contracts.

1330 4. Implement a system of consumer protection as provided  
1331 in s. 1014.22.

1332 5. Prepare an annual financial and compliance audit of all  
1333 accounts and records conducted by an independent certified  
1334 public accountant and in accordance with rules adopted by the  
1335 Auditor General.

1336 (c) Each early learning council shall have as many members  
1337 as may be required to include the following:

1338 1. A Department of Children and Family Services district  
1339 administrator or his or her designee who is authorized to make  
1340 decisions on behalf of the department.

1341 2. A district superintendent of schools or his or her  
1342 designee who is authorized to make decisions on behalf of the  
1343 district.

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1344 3. A regional workforce development board executive  
1345 director.

1346 4. A county health department director or his or her  
1347 designee.

1348 5. A children's services council or juvenile welfare board  
1349 chair or executive director, where applicable.

1350 6. A local child care licensing agency head, where  
1351 applicable.

1352 7. A community college president or designated  
1353 representative.

1354 8. A representative of a program for children with  
1355 disabilities under the Individuals with Disabilities Education  
1356 Act.

1357 9. A parent or guardian of a child who participates in a  
1358 publicly-funded early learning program.

1359 10. A central child care agency administrator.

1360 11. A Head Start director.

1361 12. A representative of private child care providers.

1362 13. A representative of faith-based child care providers.

1363 14. A representative of family day care home providers.

1364 (d) The Governor shall appoint the 14 members of each  
1365 local council listed in (c) no later than January 1, 2005.  
1366 Members shall serve a term of 4 years, except that one-third of  
1367 initial appointees shall serve for 2 years, one-third shall  
1368 serve for 3 years and one-third shall serve for 4 years. These  
1369 14 members shall appoint other council members.

1370 (e) A voting majority of local council members shall be  
1371 persons who do not have a substantial financial interest in the

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1372 design or delivery of public or private early learning services  
1373 in Florida, and neither they nor their families may earn an  
1374 income from the early learning programs. To meet this  
1375 requirement a council must appoint additional members from a  
1376 list of nominees presented to the coalition by chambers of  
1377 commerce or economic development councils within the geographic  
1378 area of the council. The chair of the council must be chosen  
1379 from among the voting majority.

1380 (f) No member of a council may appoint a designee to act  
1381 in his or her place unless specifically provided in this act. A  
1382 member may send a representative to council meetings, but that  
1383 representative will have no voting privileges.

1384 (g) Members of the council are subject to the ethics  
1385 provisions in part III of chapter 112. It is the duty of all  
1386 members of the local coalition board to report all possible or  
1387 apparent conflicts to the chairperson and to recuse themselves  
1388 from participating in council activities related to their areas  
1389 of conflict. A conflict shall be deemed to exist if the council  
1390 member represents any organization whether as an employee,  
1391 officer or director that receives financial compensation or  
1392 business for services rendered to the organization or has direct  
1393 or indirect interest in action to be taken by the council.

1394 (h) For the purposes of tort liability, the members of the  
1395 council and its employees shall be governed by s. 768.28.

1396 (i) All councils shall include representation from each  
1397 county in the service area.

1398 (j) Appointed members may serve a maximum of two terms.  
1399 When a vacancy occurs in an appointed position, the governor

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1400 shall fill the vacancy. When a vacancy occurs in a non-appointed  
1401 position, the vacancy shall be publicly advertised for a minimum  
1402 of 14 calendar days.

1403 Section 39. Section 1014.42, Florida Statutes, is created  
1404 to read:

1405 1014.42 Local council transition.--

1406 (1) Between July 1, 2004, and December 31, 2004, local  
1407 school readiness coalitions established pursuant to s.  
1408 411.01(5), shall transition to early learning councils created  
1409 pursuant to s. 1014.03(6).

1410 (2) No later than October 1, 2004, executive Directors of  
1411 the school readiness coalitions shall submit a plan to the  
1412 Commissioner of Education for consolidating school readiness  
1413 coalitions to create 28 early learning Councils (ELC). Any  
1414 school readiness coalition that has not agreed to the  
1415 consolidation plan would be assigned to an early learning  
1416 council region by the commissioner.

1417 (3) All facilities, equipment, and other resources  
1418 purchased by local school readiness coalitions using state or  
1419 federal child care or school readiness funding shall be  
1420 transferred to the early learning council that assumes  
1421 responsibility for the county or multi-county area previously  
1422 served by the local school readiness coalition.

1423 (4) In multi-county local school readiness coalition  
1424 regions where the counties are divided between two or more early  
1425 learning council service areas, each early learning council  
1426 shall receive the share of the facilities, equipment, and other  
1427 resources that is fairly apportioned to the county or counties

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1428 for which it assumes jurisdiction. Any disagreements that may  
1429 arise regarding resource allocation shall be resolved by the  
1430 Chancellor for Early Learning.

1431 (5) Nothing in this section shall be construed to create a  
1432 private cause of action or create any rights for individuals or  
1433 entities in addition to those provided elsewhere in law or rule.

1434 Section 40. Section 1014.43, Florida Statutes is created  
1435 to read:

1436 1014.43 Early childhood education expectations.--Each  
1437 early learning council shall administer and assure the provision  
1438 of publicly-funded early childhood education programs that meet  
1439 the following expectations:

1440 (1) The services must prepare preschool children to enter  
1441 kindergarten ready to learn, as measured by the performance  
1442 standards and outcome measures adopted by the State Board of  
1443 Education under s. 1014.08.

1444 (2) The services must be developmentally appropriate and  
1445 research-based, involve parents as their children's first  
1446 teachers, serve as a preventive measure for children at risk of  
1447 future school failure, enhance the educational readiness of  
1448 eligible children, and support family education.

1449 (3) The services must offer extended-day and extended-year  
1450 options to the maximum extent practicable, within funding  
1451 limitations and without compromising the quality of the program,  
1452 to meet the needs of parents who work.

1453 (4) The services must make available access to community  
1454 services and resources for families to help achieve economic  
1455 self-sufficiency.

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1456       (5) The services must allow persons with an early  
1457 childhood teaching certificate to provide support and  
1458 supervision to other staff.

1459       (6) The services must provide for coordinated staff  
1460 development and teaching opportunities.

1461       (7) The services must meet all state licensing guidelines,  
1462 where applicable.

1463       Section 41. Section 1014.44, Florida Statutes, is created  
1464 to read:

1465       1014.44 Early childhood education eligibility and priority  
1466 for participation.--

1467       (1) Each early learning council shall give priority for  
1468 participation in publicly-funded early childhood education  
1469 programs, as follows:

1470       (a) Priority shall be given first to a child from a family  
1471 in which there is an adult receiving temporary cash assistance  
1472 who is subject to federal work requirements.

1473       (b) Priority shall be given next to a child from birth to  
1474 kindergarten eligibility who is served by the Family Safety  
1475 Program Office of the Department of Children and Family Services  
1476 or a community-based lead agency under chapter 39 and for whom  
1477 early childhood education is needed to minimize the risk of  
1478 further abuse, neglect, or abandonment.

1479       (c) Subsequent priority shall be given to a child younger  
1480 than kindergarten eligibility who meets one or more of the  
1481 following criteria:

1482       1. A child who is not included for priority in paragraph  
1483 (b), but who is determined to be at risk of abuse, neglect, or

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1484 exploitation and who is currently a client of the Family Safety  
1485 Program Office of the Department of Children and Family  
1486 Services.

1487 2. A child at risk of welfare dependency, including an  
1488 economically disadvantaged child, a child of a participant in  
1489 the welfare transition program, a child of a migrant farm  
1490 worker, or a child of a teen parent.

1491 3. A child of a working family that is economically  
1492 disadvantaged.

1493 4. A child for whom financial assistance is provided  
1494 through the Relative Caregiver Program under s. 39.5085.

1495 5. A 3-year-old child or 4-year-old child who may not be  
1496 economically disadvantaged, but who has been determined eligible  
1497 as a child with a disability in accordance with the rules of the  
1498 State Board of Education and is participating in a program for  
1499 children with disabilities of the local school district.

1500 6. An economically disadvantaged child, a child with a  
1501 disability, or a child at risk of future school failure, from  
1502 birth to 4 years of age, who is served at home through a home  
1503 visitor program and an intensive parent education program,  
1504 including, but not limited to, the Florida First Start Program.

1505 7. A child who meets federal and state requirements for  
1506 eligibility for the migrant preschool program, but who does not  
1507 meet the criteria of economically disadvantaged.

1508 (2) An early learning council may use early learning funds  
1509 allocated to the council to provide early childhood education  
1510 for any child who is eligible for services under the federal law  
1511 or regulations governing those federal funds, including, but not

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1512 limited to, the Child Care and Development Block Grant, the  
1513 Temporary Assistance for Needy Families Block Grant, or the  
1514 Social Services Block Grant, if approved by the Department of  
1515 Education as part of the council's early learning plan.

1516 (3) A child who meets the eligibility requirements upon  
1517 initial registration in an early learning program shall be  
1518 considered eligible for one year, regardless of a change in his  
1519 or her family's economic status, but subject to additional  
1520 family contributions in accordance with the council's sliding  
1521 fee scale.

1522 Section 42. Section 1014.45, Florida Statutes, is created  
1523 to read:

1524 1014.45 Early childhood education program description.--

1525 (1) Each council shall provide a comprehensive program of  
1526 early childhood education that enhances the cognitive, social,  
1527 and physical development of children to achieve the performance  
1528 standards and outcome measures adopted by the State Board of  
1529 Education pursuant to s.1014.07.

1530 (2) Each early learning council shall ensure that the  
1531 early childhood education provided under its plan, include at a  
1532 minimum, the following elements:

1533 (a) Developmentally and age appropriate curriculum that,  
1534 at a minimum, prepares a child for school in each of the  
1535 following components:

1536 1. Physical development.

1537 2. Oral language ability including vocabulary development.

1538 3. Phonemic awareness.



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1539        4. Knowledge of and interest in books and other printed  
1540 materials.

1541        5. Ability to cope with challenges.

1542        6. Ability to perform tasks.

1543        7. Problem-solving skills.

1544        8. Following verbal directions.

1545        9. Demonstration of curiosity, persistence, and  
1546 exploratory behavior.

1547        10. Interactions with peers and adults.

1548        11. Compliance with rules, limitations, and routines.

1549        (b) A character development program to develop basic  
1550 values.

1551        (c) A valid and reliable age-appropriate screening of each  
1552 child's development when they enter the program.

1553        (d) A valid and reliable measurement of each child's  
1554 developmental progress when they enter and when they exit the  
1555 program.

1556        (e) An appropriate staff-to-children ratio.

1557        (f) A healthy and safe environment.

1558        Section 43. Section 1014.46, Florida Statutes, is created  
1559 to read:

1560        1014.46 Early childhood education plans.--

1561        (1) Each early learning council shall adopt a plan for  
1562 implementing its early childhood education plan that meets the  
1563 requirements of this section and the performance standards and  
1564 outcome measures adopted by the State Board of Education.

1565        Implementation of each council's plan is subject to approval by  
1566 the department.

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1567        (2)(a) Before implementing its plan, each early learning  
1568 council must adopt and submit its plan for approval to the  
1569 Department of Education. The department shall approve the plan,  
1570 reject the plan, or approve the plan with conditions.

1571        (b) The department shall review each council's plan  
1572 annually. If an early learning council does not substantially  
1573 implement its plan or does not substantially meet the  
1574 performance standards or outcome measures adopted by the  
1575 department, the department may contract with a qualified entity  
1576 to continue early childhood education in the council's county or  
1577 multicounty region until the department determines that the  
1578 council is fully prepared to resume operations and perform its  
1579 functions in conformance with applicable laws, rules and  
1580 performance expectations.

1581        (c) Each early learning council must review and revise its  
1582 plan annually. An early learning council may not implement plan  
1583 revisions until it submits the revised plan to, and receives  
1584 approval from, the department. If the department rejects a  
1585 revised plan, the early learning council must continue to  
1586 operate under its prior approved plan.

1587        (3) Each early learning plan must be submitted in the  
1588 manner prescribed by the department and shall include the  
1589 following minimum standards and provisions:

1590        (a) The business organization of the early learning  
1591 council must include the council's articles of incorporation and  
1592 bylaws if the council is organized as a corporation. If the  
1593 early learning council is not legally organized as a corporation

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1594 or other business entity, the plan must include the contract  
1595 with a fiscal agent in accordance with s. 1014.30.

1596 (b) The establishment of a local resource and referral  
1597 agency as part of the statewide resource and referral network  
1598 under s. 1014.46, that assists parents in making an informed  
1599 choice of early childhood education providers.

1600 (c) A community plan that addresses the needs of all  
1601 eligible children.

1602 (d) A single point of entry and unified waiting list for  
1603 early learning programs.

1604 (e) A description of the council's early childhood  
1605 education program, which includes the following:

1606 1. The plan must describe the role of early childhood  
1607 education programs in the council's effort to collaborate with  
1608 community partners and schools as part of a statewide  
1609 comprehensive initiative that prepares children and families for  
1610 the children's success in school.

1611 2. The plan must demonstrate that each child in early  
1612 childhood education programs will receive scheduled activities  
1613 and instruction designed to prepare the children to enter  
1614 kindergarten ready to learn, that the programs will achieve the  
1615 program expectations described in s. 1014.21, and that the early  
1616 childhood education services provided under the plan will  
1617 contain the elements described in s. 1014.21.

1618 3. The plan must reflect inclusion of before and after  
1619 school child care.

1620 (f) A parental choice of locations and types of early  
1621 childhood education providers, as defined in s. 1014.02,

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1622 including licensed, registered, religious-exempt, and school-  
1623 based providers.

1624 (g) A schedule of payment rates adopted by the early  
1625 learning council which encompasses all types of early childhood  
1626 education and providers funded by the council. The early  
1627 learning council must consider the prevailing market-rate  
1628 schedule adopted under s. 1014.31 when adopting the council's  
1629 payment schedule.

1630 1. The payment schedule must specify that an informal  
1631 provider of unregulated early childhood education may not be  
1632 paid at more than 50 percent of the payment rate for a family  
1633 child care home.

1634 2. The payment schedule must not have the effect of  
1635 limiting parental choice; however, the department may authorize  
1636 early learning councils to use its funds to provide a rate  
1637 differential or stipend to early childhood education providers  
1638 that hold a current Gold Seal designation under s. 402.281. The  
1639 differential may not exceed 20 percent of the payment rate for  
1640 providers that do not hold the Gold Seal designation.

1641 3. The payment schedule must include a projection of the  
1642 number of children to be served by the early learning council  
1643 and must be submitted to the department for information.

1644 (h) A sliding fee scale establishing a copayment for  
1645 parents based upon their ability to pay, that is uniform for all  
1646 providers participating in the early learning program, and can  
1647 be implemented and reflected in the program's budget.

1648 1. Early learning councils must report and monitor the  
1649 collection of parent copayments by providing a system of

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1650 oversight and accountability at the local level as described in  
1651 s. 1004.03(6).

1652 2. Providers must maintain records of the collection of  
1653 parent fees and must report to early learning councils and the  
1654 department records of their collection of parent fees.

1655 3. The collection of parent fees and the compliance with  
1656 relevant federal regulations requiring the collection of parent  
1657 fees must be included in provider and early learning council  
1658 audit requirements as required in s. 1004.03(6).

1659 (i) The qualifications of early childhood education  
1660 personnel for providers participating in the early learning  
1661 programs, including, but not limited to, successful completion  
1662 of the 45-clock-hour introductory course described in s.  
1663 1014.081 and of any additional training or credentials required  
1664 by the department. The early learning plan must provide a method  
1665 for verifying these qualifications of all early childhood  
1666 education personnel for each type of provider.

1667 (j) The performance standards and outcome measures adopted  
1668 for early learning programs by the department pursuant to s.  
1669 1014.07.

1670 (k) Direct enhancement services for families and children.  
1671 These enhancement services shall be in addition to payments for  
1672 the placement of children in early learning programs.

1673 (l) Nondirect services including, but not limited to, the  
1674 enrollment of children in early learning programs, eligibility  
1675 determination for early learning programs, training of early  
1676 learning providers, and parental support and involvement.

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1677 (m) Strategies to meet the needs of unique populations,  
1678 such as migrant workers.

1679 (4)(a) As part of its early learning plan, an early  
1680 learning council may request the Governor to apply for a waiver  
1681 to allow the council to administer the Head Start program to  
1682 accomplish the purposes of its early learning program.

1683 (b) If an early learning plan demonstrates that specific  
1684 statutory goals may be achieved more effectively by using  
1685 procedures that require modification of existing rules,  
1686 policies, or procedures, the early learning council may include  
1687 in the plan a request for a waiver by the State Board of  
1688 Education. Upon review, the State Board of Education may grant  
1689 the proposed modification.

1690 (c) Early learning councils may enter into contracts with  
1691 service providers outside their service areas in order to meet  
1692 the needs of unique populations, such as migrant workers.

1693 (d) The department may enter into statewide contracts with  
1694 service providers in order to meet the needs of unique  
1695 populations such as migrant workers. Information regarding  
1696 services provided through a statewide contract will be provided  
1697 to each early learning council to ensure communication,  
1698 coordination and resource maximization.

1699 Section 44. Section 1014.47, Florida Statutes, is created  
1700 to read:

1701 1014.47 Parental choice in early childhood education  
1702 programs.--

1703 (1) Each council's early childhood education program  
1704 shall, in accordance with 45 C.F.R. s. 98.30, provide parental

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1705 choice in a manner that ensures, to the maximum extent  
1706 practicable, flexibility in the early learning program and  
1707 reimbursement arrangements. A parent may choose for early  
1708 childhood education to be provided to his or her child:

1709 (a) Through an early childhood education provider that is  
1710 reimbursed for providing early childhood education under a  
1711 contract; or

1712 (b) Upon the request of the parent, through the issuance  
1713 of a payment certificate to the parent for use at a early  
1714 childhood education provider of the parent's choice, including  
1715 an informal provider of unregulated early childhood education,  
1716 regardless of whether the chosen provider otherwise participates  
1717 in the early learning program.

1718 (2) Each payment certificate must bear the names of the  
1719 beneficiary and the early childhood education provider and, when  
1720 redeemed, must bear the signature of both the beneficiary and an  
1721 authorized representative of the provider.

1722 (3) If it is determined that an early learning provider  
1723 has given any cash to the beneficiary in return for receiving a  
1724 payment certificate, the early learning council or its fiscal  
1725 agent shall refer the matter to the Division of Public  
1726 Assistance Fraud or the state attorney for investigation.

1727 Section 45. Section 402.47, Florida Statutes, is  
1728 transferred, renumbered as section 1014.48, Florida Statutes,  
1729 and amended to read:

1730 1014.48 402.27 ~~Child care and early childhood~~ Resource and  
1731 referral.--The Department of Education ~~Children and Family~~  
1732 Services shall ensure that establish a statewide child care

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1733 resource and referral network is established. The network shall  
1734 be composed of a state resource and referral agency and a system  
1735 of local agencies contracted through the state agency.

1736 ~~Preference shall be given to using the already established~~  
1737 ~~central agencies for subsidized child care as the child care~~  
1738 ~~resource and referral agency. If the agency cannot comply with~~  
1739 ~~the requirements to offer the resource information component or~~  
1740 ~~does not want to offer that service, The department of Children~~  
1741 ~~and Family Services shall select the state resource and referral~~  
1742 ~~the resource information agency using based upon a request for~~  
1743 ~~proposals proposal. Each early learning council shall establish~~  
1744 ~~at least one local child care resource and referral agency must~~  
1745 ~~be established in the county or multicounty area served by the~~  
1746 ~~council each district of the department, but no more than one~~  
1747 ~~local agency may be established in a any county. ~~Child care~~~~  
1748 Resource and referral agencies shall provide the following  
1749 services:

1750 (1) Identification of existing public and private early  
1751 childhood education providers ~~child care and early childhood~~  
1752 ~~education services, including child care services by public and~~  
1753 ~~private employers, and the development of a database resource~~  
1754 ~~file of these providers services. These providers services may~~  
1755 ~~include early learning providers that are licensed, exempt from~~  
1756 ~~licensure, or registered under part III of this chapter;~~  
1757 ~~providers participating in the voluntary universal~~  
1758 ~~prekindergarten program; providers participating in a council's~~  
1759 ~~early learning programs; a family day care, public and private~~  
1760 ~~child care programs, Head Start program; ~~prekindergarten early~~~~

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1761 ~~intervention programs,~~ special education programs for  
1762 prekindergarten ~~handicapped~~ children with disabilities;  
1763 services for children with developmental disabilities;; full-  
1764 time and part-time programs;; before-school and after-school  
1765 programs;; vacation care programs;; parent education; welfare  
1766 transition, ~~the WAGES~~ programs;; and related family support  
1767 services. The database resource file shall include, but not be  
1768 limited to, the following information:

1769 (a) Type of early childhood education provider ~~program~~.

1770 (b) Hours of service.

1771 (c) Significant program information.

1772 (f) Fees and eligibility for services.

1773 (g) Availability of transportation.

1774 (2) The establishment of a referral process that ~~which~~  
1775 responds to parental need for information and that ~~which~~ is  
1776 provided with full recognition of the confidentiality rights of  
1777 parents. Resource and referral agencies may only ~~programs shall~~  
1778 make referrals to licensed early childhood education providers,  
1779 except that a referral may ~~care facilities.~~ Referrals shall be  
1780 made to an unlicensed provider ~~child care facility or~~  
1781 arrangement only if the provider is not required to ~~there is no~~  
1782 requirement that the facility or arrangement be licensed.

1783 (3) Maintenance of ongoing documentation of requests for  
1784 service tabulated through the internal referral process. The  
1785 following documentation of requests for service shall be  
1786 maintained by each ~~all child care~~ resource and referral agency  
1787 agencies:

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1788 (a) Number of calls and contacts to the resource child  
1789 ~~care information~~ and referral agency ~~component~~ by the type of  
1790 early childhood education provider service requested.

1791 (b) Ages of children for whom service is ~~was~~ requested.

1792 (c) Time category of early learning service ~~child-care~~  
1793 requests for each child.

1794 (d) Special time category, such as nights, weekends, and  
1795 swing shifts ~~shift~~.

1796 (e) Reason that ~~the~~ early childhood education are ~~care is~~  
1797 needed.

1798 (f) Name of the employer and primary focus of the  
1799 business.

1800 (4) Provision of technical assistance to existing and  
1801 potential early childhood education providers ~~of child care~~  
1802 ~~services~~. This assistance may include:

1803 (a) Information on initiating new early learning ~~care~~  
1804 services, zoning, and program and budget development, and  
1805 assistance in finding the ~~such~~ information from other sources.

1806 (b) Information and resources that assist ~~which help~~  
1807 existing early learning ~~child-care~~ services providers to  
1808 maximize their ability to serve children and parents in their  
1809 community.

1810 (c) Information and incentives that may ~~which could~~ help  
1811 existing or planned early learning ~~child-care~~ services offered  
1812 by public or private employers seeking to maximize their ability  
1813 to serve the children of their ~~working parent~~ employees who are  
1814 working parents in their community, through contractual or other  
1815 funding arrangements with businesses.

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1816 (5) Assistance to families and employers in applying for  
1817 various early childhood education programs, ~~sources of subsidy~~  
1818 including, but not limited to, the voluntary universal  
1819 prekindergarten program or a council's early learning programs;  
1820 ~~subsidized child care, a Head Start program;~~ prekindergarten  
1821 ~~early intervention programs, Project Independence,~~ private  
1822 scholarships; ~~7~~ and the federal child and dependent care tax  
1823 credit.

1824 (6) Assistance to state agencies in determining the  
1825 prevailing market rate for early childhood education ~~child care.~~

1826 (7) Assistance in negotiating discounts or other special  
1827 arrangements with early childhood education ~~child care~~  
1828 providers.

1829 (8) Information and assistance to local interagency  
1830 councils coordinating services for prekindergarten ~~handicapped~~  
1831 children with disabilities.

1832 (9) Assistance to families in identifying summer  
1833 recreation camp and summer day camp programs and in evaluating  
1834 the health and safety qualities of summer recreation camp, ~~and~~  
1835 summer day camp, ~~programs and in evaluating the health and~~  
1836 ~~safety qualities of~~ summer camp programs. Subject to legislative  
1837 ~~Contingent upon specific~~ appropriation, a checklist of important  
1838 health and safety qualities that parents may ~~can~~ use to choose  
1839 their summer camp programs shall be developed and distributed in  
1840 a manner that will reach parents interested in such programs for  
1841 their children.

1842 (10) Each A early childhood education provider ~~care~~  
1843 ~~facility licensed or registered under s. 387.04-s. 402.305 and~~

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1844 ~~licensed and registered family day care homes~~ must provide the  
1845 local statewide child care and resource and referral agency  
1846 ~~agencies~~ with the following information annually:

1847 (a) Type of early childhood education provider ~~program~~.

1848 (b) Hours of service.

1849 (c) Ages of children served.

1850 (d) Fees and eligibility for services.

1851 Section 46. Section 402.3018, Florida Statutes, is  
1852 transferred, renumbered as section 1014.49, Florida Statutes,  
1853 and amended to read:

1854 1014.49 402.3018 Consultation to early childhood education  
1855 providers ~~child care centers and family day care homes~~ regarding  
1856 health, developmental, behavioral ~~disability~~, and other special  
1857 needs issues.--

1858 (1) Early childhood education providers are encouraged to  
1859 serve children with special needs. The department, when  
1860 requested, shall provide technical assistance to parents and  
1861 early childhood education providers in order to facilitate  
1862 serving children with special needs.

1863 (2)~~(1)~~ Subject to legislative appropriation ~~Contingent~~  
1864 ~~upon specific appropriations~~, the department shall ~~is directed~~  
1865 ~~to~~ contract with the state ~~statewide~~ resource information and  
1866 referral agency for a statewide toll-free Warm-Line for the  
1867 purpose of providing assistance and consultation to early  
1868 childhood education providers ~~child care centers and family day~~  
1869 ~~care homes~~ regarding health, developmental, behavioral  
1870 ~~disability~~, and other special needs issues of the children they

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1871 are serving, ~~particularly children with disabilities and other~~  
1872 ~~special needs.~~

1873 (3)(2) The purpose of the Warm-Line is to provide advice  
1874 to early childhood education ~~child care~~ personnel concerning  
1875 strategies, curriculum, and environmental adaptations that allow  
1876 a child to derive maximum benefit from receiving ~~the~~ early  
1877 childhood education ~~child care~~ experience.

1878 (4)(3) The department shall annually inform early  
1879 childhood education providers ~~child care centers and family day~~  
1880 ~~care homes~~ of the availability of this service, ~~on an annual~~  
1881 ~~basis.~~

1882 (5)(4) Subject to legislative appropriation ~~Contingent~~  
1883 ~~upon specific appropriations~~, the department shall expand, or  
1884 contract for the expansion of, the Warm-Line from one statewide  
1885 site to one Warm-Line site in each county or region served by an  
1886 early learning council ~~child care resource and referral agency~~  
1887 ~~region.~~

1888 (6)(5) Each county or regional Warm-Line shall provide  
1889 assistance and consultation to early childhood education  
1890 providers ~~care centers and family day care homes~~ regarding  
1891 health, developmental, behavioral ~~disability~~, and other special  
1892 needs ~~issues~~ of the children they are serving, ~~particularly~~  
1893 ~~children with disabilities and other special needs.~~ County or  
1894 regional Warm-Line staff shall provide onsite technical  
1895 assistance, when requested, to assist early childhood education  
1896 providers ~~child care centers and family day care homes~~ with  
1897 inquiries relative to the strategies, curriculum, and  
1898 environmental adaptations the early childhood education

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1899 ~~providers child care centers and family day care homes~~ may need  
1900 as they serve children with ~~disabilities and other~~ special  
1901 needs.

1902 Section 47. Section 409.178, Florida Statutes, is  
1903 transferred, renumbered as 1014.50, Florida Statutes, and  
1904 amended to read:

1905 1014.50 ~~409.178~~ Business Child Care Executive Partnership  
1906 for Early Learning Act; findings and intent; grant; limitation;  
1907 rules.--

1908 ~~(1) This section may be cited as the "Child Care Executive~~  
1909 ~~Department Act."~~

1910 ~~(2)(a) The Legislature finds that when private employers~~  
1911 ~~provide onsite child care or provide other child care benefits,~~  
1912 ~~they benefit by improved recruitment and higher retention rates~~  
1913 ~~for employees, lower absenteeism, and improved employee morale.~~  
1914 ~~The Legislature also finds that there are many ways in which~~  
1915 ~~private employers can provide child care assistance to~~  
1916 ~~employees: information and referral, vouchering, employer~~  
1917 ~~contribution to child care programs, and onsite care. Private~~  
1918 ~~employers can offer child care as part of a menu of employee~~  
1919 ~~benefits. The Legislature recognizes that flexible compensation~~  
1920 ~~programs providing a child care option are beneficial to the~~  
1921 ~~private employer through increased productivity, to the private~~  
1922 ~~employee in knowing that his or her children are being cared for~~  
1923 ~~in a safe and nurturing environment, and to the state in more~~  
1924 ~~dollars being available for purchasing power and investment.~~

1925 ~~(b) It is the intent of the Legislature to promote~~  
1926 ~~public/private departments to ensure that the children of the~~

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1927 ~~state be provided safe and enriching child care at any time, but~~  
1928 ~~especially while parents work to remain self-sufficient. It is~~  
1929 ~~the intent of the Legislature that private employers be~~  
1930 ~~encouraged to participate in the future of this state by~~  
1931 ~~providing employee child care benefits. Further, it is the~~  
1932 ~~intent of the Legislature to encourage private employers to~~  
1933 ~~explore innovative ways to assist employees to obtain quality~~  
1934 ~~child care.~~

1935 ~~(c) The Legislature further recognizes that many parents~~  
1936 ~~need assistance in paying the full costs of quality child care.~~  
1937 ~~The public and private sectors, by working in department, can~~  
1938 ~~promote and improve access to quality child care and early~~  
1939 ~~education for children of working families who need it.~~  
1940 ~~Therefore, a more formal mechanism is necessary to stimulate the~~  
1941 ~~establishment of public-private departments. It is the intent of~~  
1942 ~~the Legislature to expand the availability of scholarship~~  
1943 ~~options for working families by providing incentives for~~  
1944 ~~employers to contribute to meeting the needs of their employees'~~  
1945 ~~families through matching public dollars available for child~~  
1946 ~~care.~~

1947 ~~(1)(a)(3) There is created a body politic and corporate,~~  
1948 ~~known as the Business Child Care Executive Partnership for Early~~  
1949 ~~Learning, which shall establish and govern the Business Child~~  
1950 ~~Care Executive Partnership for Early Learning Program.~~

1951 ~~(b) The purpose of the Business Child Care Executive~~  
1952 ~~Partnership for Early Learning Program is to utilize state and~~  
1953 ~~federal funds as incentives for matching local funds derived~~  
1954 ~~from local governments, employers, charitable foundations, and~~

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1955 other sources, in order ~~so~~ that ~~Florida~~ communities in this  
1956 state may create local flexible agreements ~~departments~~ with  
1957 employers.

1958 (c) The Business Child Care Executive Partnership for  
1959 Early Learning program funds shall be used at the discretion of  
1960 local communities to meet the needs of working parents. An early  
1961 childhood education ~~a child care~~ purchasing pool shall be  
1962 developed with ~~the~~ state, federal, and local funds to provide  
1963 subsidies to low-income working parents whose family income does  
1964 not exceed 200 percent of the federal poverty level ~~who are~~  
1965 ~~eligible for subsidized child care~~ with a dollar-for-dollar  
1966 match from employers, local government, and other matching  
1967 contributions. The funds used from the early childhood education  
1968 ~~child care~~ purchasing pool must be used to supplement or extend  
1969 the use of existing public or private funds.

1970 (2)(4) The Business Child Care Executive Partnership for  
1971 Early Learning, staffed by or through the department, shall  
1972 consist of a representative of the Executive Office of the  
1973 Governor and nine members of the corporate or early childhood  
1974 education ~~child care~~ community, appointed by the Governor.

1975 (a) Members shall serve for a period of 4 years, except  
1976 that the representative of the Executive Office of the Governor  
1977 shall serve at the pleasure of the Governor.

1978 (b) The Business Child Care Executive Partnership for  
1979 Early Learning shall be chaired by a member chosen by a majority  
1980 vote and shall meet at least quarterly and at other times upon  
1981 the call of the chair.

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1982 (c) Members shall serve without compensation, but may be  
1983 reimbursed for per diem and travel expenses in accordance with  
1984 s. 112.061.

1985 (d) The Business Child Care Executive Partnership for  
1986 Early Learning shall have all the powers and authority, not  
1987 explicitly prohibited by law statute, necessary to administer  
1988 ~~carry out and effectuate the purposes of this section, as well~~  
1989 ~~as the functions, duties, and responsibilities of the~~  
1990 ~~department~~, including, but not limited to, the following:

1991 1. Assisting in the formulation and coordination of the  
1992 state's early childhood education ~~child care~~ policy.

1993 2. Adopting an official seal.

1994 3. Soliciting, accepting, receiving, investing, and  
1995 expending funds from public or private sources.

1996 4. Contracting with public or private entities, as  
1997 necessary.

1998 5. Approving an annual budget.

1999 6. Carrying forward any unexpended state appropriations  
2000 into succeeding fiscal years.

2001 7. Providing a report to the Governor, the Speaker of the  
2002 House of Representatives, and the President of the Senate, on or  
2003 before December 1 of each year.

2004 ~~(3)(5)~~(a) The State Board of Education ~~Legislature~~ shall  
2005 consider the recommendation from the Business Partnership for  
2006 Early Learning annually to determine the amount of state funds  
2007 ~~or federal low-income child care moneys~~ which shall be used to  
2008 create the Business Child Care Executive Partnership for Early  
2009 Learning Program early childhood education ~~child care~~ purchasing

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2010 pools in counties chosen by the Business Child Care Executive  
2011 Partnership for Early Learning. A purchasing pool must be  
2012 created in, provided that at least two ~~of the~~ counties that have  
2013 populations of ~~no more than~~ 300,000 or fewer persons. The  
2014 Legislature shall annually review the effectiveness of the early  
2015 childhood education child care purchasing pool program and  
2016 reevaluate the percentage of additional state ~~or federal~~ funds,  
2017 if any, that may ~~can~~ be used for the program's expansion.

2018 (b) To ensure a seamless service delivery and ease of  
2019 access for families, the Business Child Care Executive  
2020 Partnership for Early Learning may contract with early learning  
2021 councils, community coordinated child care agencies, or the  
2022 state resource and referral agency to ~~shall~~ administer the ~~child~~  
2023 ~~care~~ purchasing pool funds.

2024 (c) The department, in conjunction with the Business Child  
2025 ~~Care Executive~~ Partnership for Early Learning, shall develop  
2026 procedures for disbursement of funds through the ~~child care~~  
2027 purchasing pools. In order to be considered for funding, an the  
2028 early learning council ~~community coordinated child care agency~~  
2029 ~~or the statewide resource and referral agency~~ must commit to:

2030 1. Matching the state purchasing pool funds on a dollar-  
2031 for-dollar basis; and

2032 2. Expending only those state public funds that ~~which~~ are  
2033 matched by employers, local government, and other matching  
2034 contributors who contribute to the purchasing pool. Parents  
2035 shall also pay a fee, which must ~~shall be~~ not be less than the  
2036 amount identified in the ~~department's subsidized child care~~  
2037 sliding fee scale adopted by the early learning council.

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2038 (d) Each early learning council must ~~community-coordinated~~  
2039 ~~child-care agency shall be required to~~ establish a community  
2040 ~~child-care~~ task force for each ~~child-care~~ purchasing pool. The  
2041 task force must be composed of employers, parents, private early  
2042 childhood education ~~child-care~~ providers, and one representative  
2043 from the local children's services council, if one exists in the  
2044 area of the purchasing pool. The early learning council shall  
2045 ~~community-coordinated child-care agency is expected to~~ recruit  
2046 the task force members from existing ~~child-care~~ councils,  
2047 commissions, or task forces already operating in the area of the  
2048 a purchasing pool. A majority of the task force shall consist of  
2049 employers. Each task force shall develop a plan for the use of  
2050 ~~child-care purchasing pool~~ funds. The plan must demonstrate ~~show~~  
2051 how many children will be served by the purchasing pool, how  
2052 many will be new to receiving early learning ~~child-care~~  
2053 services, and how the early learning council ~~community~~  
2054 ~~coordinated child-care agency~~ intends to attract new employers  
2055 and their employees to the program.

2056 (4)(6) The department ~~may~~ ~~Department of Children and~~  
2057 ~~Family Services shall~~ adopt any rules under s. 120.536(1) and s.  
2058 120.54 to administer necessary for the implementation and  
2059 ~~administration of~~ this section.

2060 Section 48. Section 402.25, Florida Statutes, is  
2061 transferred, renumbered as 1014.51, Florida Statutes, and  
2062 amended to read:

2063 1014.51 ~~402.25~~ Infants and toddlers in state-funded early  
2064 childhood education ~~and care~~ programs; brain development  
2065 activities.--Each state-funded early childhood education ~~and~~

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2066 ~~ear~~ program for children from birth to 5 years of age must  
2067 provide activities to foster brain development in infants and  
2068 toddlers. Each A program must provide an environment rich in  
2069 language and music and filled with objects of various colors,  
2070 shapes, textures, and sizes to stimulate visual, tactile,  
2071 auditory, and linguistic senses in the children ~~and must include~~  
2072 ~~classical music and at least 30 minutes of reading to the~~  
2073 ~~children each day. A program may be offered through an existing~~  
2074 ~~early childhood program such as Healthy Start, the Title I~~  
2075 ~~program, contracted or directly operated subsidized child care,~~  
2076 ~~the prekindergarten early intervention program, Florida First~~  
2077 ~~Start, the Head Start program, or a private child care program.~~  
2078 Each A program must also provide training for the infants' and  
2079 toddlers' parents including direct dialogue and interaction  
2080 between teachers and parents demonstrating the urgency of brain  
2081 development in the first year of a child's life. A family child  
2082 day care home is ~~centers are~~ encouraged, but not required, to  
2083 comply with this section.

2084 Section 49. Section 1014.52, Florida Statutes is created  
2085 to read:

2086 1014.52 Fiscal agents.--If an early learning council is  
2087 not legally organized as a corporation or other business entity,  
2088 the council must designate a fiscal agent, which may be a public  
2089 entity or a private nonprofit organization. Each fiscal agent  
2090 must provide financial and administrative services under a  
2091 contract or agreement with the early learning council. A fiscal  
2092 agent may not provide direct early childhood education; however,  
2093 a fiscal agent may provide direct services upon written request

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2094 of the council to the Department of Education and approval by  
2095 the department. The cost of the financial and administrative  
2096 services shall be negotiated between the fiscal agent and the  
2097 early learning council. If the fiscal agent is a provider of  
2098 early childhood education, the contract must specify that the  
2099 fiscal agent will act on policy direction from the council and  
2100 will not receive policy direction from its own corporate board  
2101 regarding the disbursement of council funds. The fiscal agent shall  
2102 disburse funds in accordance with the council's approved early  
2103 learning plan and based on billing and disbursement procedures  
2104 approved by the Department of Education. The fiscal agent must  
2105 conform to all data-reporting requirements established by the  
2106 department.

2107 Section 50. Section 402.3051, Florida Statutes, is  
2108 transferred, renumbered as 1014.53, Florida Statutes, and  
2109 amended to read:

2110 1014.53 ~~402.3051~~ Prevailing market-rate schedule Child  
2111 care market rate reimbursement; early childhood education care  
2112 grants.--

2113 (1) As used in this section, the term:

2114 ~~(a) "Child care program assessment tool" means an~~  
2115 ~~assessment instrument designated or developed by the department~~  
2116 ~~to determine quality child care and other child development~~  
2117 ~~services to children under the provision of s. 402.3015, Title~~  
2118 ~~IV-A of the Social Security Act, and the Child Care and~~  
2119 ~~Development Block Grant Act of 1990.~~

2120 ~~(a)(b)~~ "Market rate" means the price that an early  
2121 childhood education ~~a child care~~ provider charges for daily,

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2122 weekly, or monthly early learning ~~child care~~ services. The  
2123 market rate shall:

2124 1. Be established for licensed child care centers, child  
2125 care centers exempt from licensure, licensed specialized child  
2126 care centers for mildly ill children ~~facilities or facilities~~  
2127 ~~that are not subject to s. 402.305, licensed large family child~~  
2128 care homes, licensed or registered family child day care homes,  
2129 licensed before-school and after-school child care programs, and  
2130 informal providers of unregulated early childhood education  
2131 ~~child care provided by a relative or other caretaker.~~

2132 2. Differentiate among early childhood education ~~care~~ for  
2133 children with special needs, at-risk children ~~or risk~~  
2134 ~~categories,~~ infants, toddlers, ~~and~~ preschool children, and  
2135 school-age children.

2136 3. Differentiate between full-time and part-time services  
2137 ~~care.~~

2138 4. Consider reductions in the cost of services ~~care~~ for  
2139 additional children in the same family.

2140 ~~(b)(e)~~ "Prevailing market rate" means the annually  
2141 determined 75th percentile of a reasonable frequency  
2142 distribution of market rate in a predetermined geographic market  
2143 at which ~~licensed~~ early childhood education ~~care~~ providers  
2144 charge a person for early learning ~~child care~~ services.

2145 (2) The department shall establish procedures for the  
2146 adoption of a prevailing market-rate schedule to reimburse:

2147 (a) Licensed, exempt, or registered early learning ~~care~~  
2148 providers that ~~who~~ hold a current Gold Seal Quality Care  
2149 designation at 120 percent of the prevailing market rate for

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2150 early learning child-care services for children who are eligible  
2151 to participate in an early learning program under s. 1014.22 to  
2152 receive subsidized child care; and

2153 (b) Licensed, exempt, or registered early childhood  
2154 education child-care providers at the prevailing market rate for  
2155 early learning child-care services for children who are eligible  
2156 to participate in a early learning program under s. 1014.22 to  
2157 receive subsidized child care, unless prohibited by federal law  
2158 under s. 402.3015. The department shall establish procedures to  
2159 reimburse providers of unregulated child care at not more than  
2160 50 percent of the market rate.

2161  
2162 The prevailing market-rate schedule adopted under this  
2163 subsection payment system may not interfere with the parental  
2164 choice of parents' decision as to the appropriate child  
2165 providers under s. 1014.06 care arrangement, regardless of the  
2166 level of available funding for early childhood education child  
2167 care. The prevailing market-rate schedule must be based  
2168 exclusively on the costs and prices charged for early childhood  
2169 education and must not be based on any child care program  
2170 assessment tool may not be used to evaluate early childhood  
2171 education providers determine reimbursement rates.

2172 (3) The department may provide child-care grants to early  
2173 learning councils, central agencies, community colleges, and  
2174 workforce development education vocational/technical programs  
2175 for the purpose of providing support and technical assistance to  
2176 licensed early childhood education child-care providers.

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2177           (4) The department may contract, using a request for  
2178 proposals, with a qualified entity ~~use the state community child~~  
2179 ~~care coordination agencies (central agencies), community~~  
2180 ~~colleges, and vocational/technical programs~~ to administer  
2181 ~~implement~~ this section.

2182           (5) The State Board of Education ~~department~~ may adopt  
2183 rules under s. 120.536(1) and s. 120.54 ~~and other policy~~  
2184 ~~provisions necessary to administer~~ implement this section.

2185           (6) This section shall be implemented only to the extent  
2186 that funding is available.

2187           Section 51. Section 1014.54, Florida Statutes, is created  
2188 to read:

2189           1014.54 Early childhood education funds; competitive  
2190 procurement.--

2191           (1)(a) All funds associated with early childhood education  
2192 provided pursuant to this chapter, other than the funds  
2193 associated with the voluntary universal prekindergarten program,  
2194 shall be appropriated in a single and separate budget entity.

2195           (b) The Department of Education shall annually allocate  
2196 all funds appropriated in the early childhood education budget  
2197 entity, other than those allocated to statewide contracts, to  
2198 each early learning council in accordance with the equity and  
2199 performance allocation formula approved under s. 1014.03.

2200           (c) Early childhood education funds allocated to each  
2201 council may be used only to implement the council's early  
2202 childhood education plan. Early learning funds may not be used  
2203 for the construction of new facilities and may be used only for  
2204 transportation services in accordance with this act.

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2205        (d) As part of the approval and periodic review of each  
2206 council's early childhood education plan, the Department of  
2207 Education shall require that administrative costs be kept to the  
2208 minimum necessary for the efficient and effective administration  
2209 of the council's early childhood education, but that  
2210 administrative expenditures of early learning funds may not  
2211 exceed 5 percent of the council's total expenditures of early  
2212 learning funds, unless specifically waived by the department.  
2213 The department shall annually report to the Legislature any  
2214 issues relating to administrative costs.

2215        (2) Each early learning council must comply with s.  
2216 287.057 for the procurement from state funds of commodities or  
2217 contractual services. The period of a contract for purchase of  
2218 these commodities or contractual services, together with any  
2219 renewal of the original contract, may not exceed 3 years.

2220        (3)(a) Each early learning council may contract with a  
2221 central agency or other qualified entities to perform any of the  
2222 duties assigned to the council under this chapter; however, the  
2223 early learning council has ultimate responsibility for the  
2224 performance of these duties. Contracts awarded under this  
2225 section must comply with the competitive procurement  
2226 requirements of this section.

2227        (b) The Department of Education shall conduct an  
2228 investigation of any violations of this section including the  
2229 misuse of funds.

2230        (4) The Auditor General shall annually audit all early  
2231 learning councils and any central agency awarded a contract  
2232 under this section.

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2233 Section 52. Section 402.281, Florida Statutes, is amended  
2234 to read:

2235 402.281 Gold Seal Quality ~~Care~~ program.--

2236 (1) Child care centers, specialized child care centers for  
2237 mildly ill children facilities, large family child care homes,  
2238 or family child day care homes that are accredited by a  
2239 ~~nationally~~ recognized accrediting association whose standards  
2240 substantially meet or exceed the National Association for the  
2241 Education of Young Children (NAEYC), the National Association of  
2242 Family Child Care, regional commissions and member organizations  
2243 of the Commission on International and Trans-Regional  
2244 Accreditation, or and the National Early Childhood Program  
2245 Accreditation Commission shall receive a separate "Gold Seal  
2246 Quality ~~Care~~" designation to operate as a gold seal child care  
2247 center, a gold seal specialized child care center for mildly ill  
2248 children facility, a gold seal large family child care home, or  
2249 a gold seal family child day care home.

2250 (2) In developing the Gold Seal Quality ~~Care~~ program  
2251 standards, the department shall consult with the Department of  
2252 Education, the Florida Head Start Directors Association, the  
2253 Florida Association of Child Care Management, the Florida Family  
2254 Day Care Association, the Florida Children's Forum, ~~the State~~  
2255 ~~Coordinating Council for School Readiness Programs~~, the Early  
2256 Childhood Association of Florida, the National Association for  
2257 Child Development Education, early childhood education providers  
2258 receiving exemptions under s. 402.316, and parents, for the  
2259 purpose of approving the accrediting associations.

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2260 Section 53. Subsections (1) and (4) of section 445.023,  
2261 Florida Statutes, are amended to read:

2262 445.023 Program for dependent care for families with  
2263 children with special needs.--

2264 (1) There is created the program for dependent care for  
2265 families with children with special needs. This program is  
2266 intended to provide assistance to families with children who  
2267 meet the following requirements:

2268 (a) The child or children are between the ages of 13 and 17  
2269 years, inclusive.

2270 (b) The child or children are considered to be children  
2271 with special needs.

2272 (c) The family is economically disadvantaged as defined in  
2273 s. 1014.20 ~~meets the income guidelines established under s.~~  
2274 ~~411.01(6)~~, notwithstanding any financial eligibility criteria to  
2275 the contrary in s. 414.075, s. 414.085, or s. 414.095.

2276 (4) In addition to early learning ~~school readiness~~  
2277 ~~services provided under chapter 1014, s. 411.01~~, dependent care  
2278 may be provided for children age 13 years and older who are in  
2279 need of care due to disability and where such care is needed for  
2280 the parent to accept or continue employment or otherwise  
2281 participate in work activities. The amount of subsidy shall be  
2282 consistent with the rates for special needs child care  
2283 established by the department. Dependent care needed for  
2284 employment may be provided as transitional services for up to 2  
2285 years after eligibility for temporary cash assistance ends.

2286 Section 54. (1) Effective July 1, 2004, the Florida  
2287 Partnership for School Readiness, school readiness, and early

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2288 childhood resource and referral, and the subsidized child care  
2289 program are transferred by a type two transfer, pursuant to s.  
2290 20.06(2), from the Agency for Workforce Innovation to the  
2291 Department of Education. To ensure continuity in payment to  
2292 providers of school readiness services, the Department of  
2293 Education is authorized to execute an interagency operating  
2294 agreement with the Agency for Workforce Innovation for a  
2295 transition period not to exceed 120 days.

2296 (2) Effective July 1, 2004, the Child Care Executive  
2297 Partnership Program is transferred by a type two transfer,  
2298 pursuant to s. 20.06(2), to the Department of Education.

2299 (3) Effective July 1, 2004, functions associated with  
2300 training and credentialing child care facility personnel are  
2301 transferred by type two transfer pursuant to s. 20.06(2), from  
2302 the Department of Children and Family Services to the Department  
2303 of Education.

2304 Section 55. In editing the manuscript for the 2004 Florida  
2305 Statutes, the Division of Statutory Revision is directed to  
2306 incorporate any amendments, by laws passed during the 2004  
2307 Regular Session of the Legislature or any 2004 Special Sessions  
2308 of the Legislature, to provisions repealed by this act into the  
2309 parallel successor provisions created by this act. The division  
2310 is further directed to transfer any provisions enacted within  
2311 chapter 402, Florida Statutes, by 2004 legislation to parallel  
2312 locations in accordance with this act.

2313 Section 56. If any provision of this act or its  
2314 application to any person or circumstance is held invalid, the  
2315 invalidity shall not affect other provisions or applications of

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2316 | the act which can be given effect without the invalid provision  
2317 | or application, and to this end the provisions of this act are  
2318 | declared severable.

2319 | Section 57. Except as otherwise specifically provided  
2320 | herein, this act shall take effect July 1, 2004.

2321 |

2322 | ===== T I T L E A M E N D M E N T =====

2323 | Remove the entire title and insert:

2324 | A bill to be entitled  
2325 | An act relating to early learning; creating chapter 1014,  
2326 | F.S., entitled "Early Learning," consisting of part I  
2327 | relating to general provisions, part II relating to  
2328 | voluntary universal prekindergarten, and part III relating  
2329 | to early learning opportunities; providing for governance,  
2330 | an Early Learning Advisory Council, parental involvement,  
2331 | early learning personnel, curriculum, personnel  
2332 | qualifications, and accountability; amending s. 20.15,  
2333 | F.S.; creating the Division of Early Learning within the  
2334 | Department of Education; amending s. 20.50, F.S.; deleting  
2335 | school readiness functions from the Agency for Workforce  
2336 | Innovation; amending s. 402.3017, F.S.; authorizing the  
2337 | Department of Education to contract for the administration  
2338 | of certain scholarship programs; amending s. 411.0105,  
2339 | F.S.; providing federal lead agency responsibilities;  
2340 | prescribing the required content of plans; providing  
2341 | requirements for the voluntary universal prekindergarten  
2342 | program; providing parental rights, eligibility for  
2343 | services, provider eligibility requirements, and financial

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2344 matters; providing for early learning councils and  
2345 eligibility for early childhood education; amending s.  
2346 1008.21, F.S.; revising school readiness screening;  
2347 amending s. 402.27, F.S.; requiring the Department of  
2348 Education to provide a statewide early learning resource  
2349 and referral network; amending s. 402.3018, F.S.;  
2350 providing consultation to early childhood education  
2351 providers; amending s. 409.178, F.S.; creating the  
2352 business partnership for early learning program; amending  
2353 s. 402.25, F.S.; requiring state-funded early childhood  
2354 education programs to provide activities to foster brain  
2355 development in infants and toddlers; amending s. 402.3051,  
2356 F.S.; requiring a market rate to be established for early  
2357 learning providers; amending s. 402.281, F.S., relating to  
2358 the Gold Seal Quality designation; amending s. 445.023,  
2359 F.S.; correcting cross references; repealing ss. 402.26,  
2360 402.301, 402.3016, 402.302, 402.30501, 402.3135, 402.3145,  
2361 411.01, and 411.012, F.S., to conform; providing for type  
2362 two transfers; providing duties of the Division of  
2363 Statutory Revision; providing for severability; providing  
2364 effective dates.

2365  
2366 WHEREAS, a child's parent is his or her first teacher and  
2367 most important teacher, and it is imperative that opportunities  
2368 are provided to parents and guardians to participate in the  
2369 choices and preparations of their child's educational  
2370 opportunities, including early learning programs that are

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HOUSE AMENDMENT

Bill No. HB 821

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2371 sensitive to cultural diversity, children whose first language  
2372 is other than English, and children with disabilities, and

2373 WHEREAS, community partnerships between and among county  
2374 government, public health departments, children's services  
2375 councils, libraries, business, and early child care and  
2376 educational resources are integral for the successful  
2377 preparation of children in their early educational endeavors,  
2378 and

2379 WHEREAS, the public's return on their investment in early  
2380 learning shall be shown as a ratio of the program outcome  
2381 represented by children who are ready to enter kindergarten  
2382 divided by the money used to achieve the outcome, NOW,  
2383 THEREFORE,

2384

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