

By Senator Gaetz

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1                   A bill to be entitled  
2           An act relating to early learning; providing a short  
3           title; amending s. 411.01, F.S.; authorizing use of  
4           telecommunication methods in conducting early learning  
5           coalition board meetings; amending and renumbering s.  
6           402.27, F.S.; transferring requirements for the  
7           establishment of a statewide child care resource and  
8           referral network by the Department of Children and Family  
9           Services to the Agency for Workforce Innovation; providing  
10          for use of early learning coalitions as child care  
11          resource and referral agencies; requiring rulemaking;  
12          amending and renumbering s. 409.178, F.S.; transferring  
13          duties of the Department of Children and Family Services  
14          with respect to the Child Care Executive Partnership  
15          Program to the Agency for Workforce Innovation and early  
16          learning coalitions; requiring rulemaking; amending ss.  
17          1002.55, 1002.61, and 1002.63, F.S., relating to the  
18          Voluntary Prekindergarten Education Program; providing  
19          additional accreditation standards for private  
20          prekindergarten providers; revising background screening  
21          requirements for prekindergarten instructors; providing  
22          requirements for assignment of substitute instructors;  
23          requiring rulemaking; conforming cross-references;  
24          providing an effective date.

25  
26   Be It Enacted by the Legislature of the State of Florida:

27  
28           Section 1. This act may be cited as the "Success in Early  
29           Learning Act."

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30 Section 2. Paragraph (a) of subsection (5) of section  
31 411.01, Florida Statutes, is amended to read:

32 411.01 School readiness programs; early learning  
33 coalitions.--

34 (5) CREATION OF EARLY LEARNING COALITIONS.--

35 (a) Early learning coalitions.--

36 1. The Agency for Workforce Innovation shall establish the  
37 minimum number of children to be served by each early learning  
38 coalition through the coalition's school readiness program. The  
39 Agency for Workforce Innovation may only approve school readiness  
40 plans in accordance with this minimum number. The minimum number  
41 must be uniform for every early learning coalition and must:

42 a. Permit 30 or fewer coalitions to be established; and

43 b. Require each coalition to serve at least 2,000 children  
44 based upon the average number of all children served per month  
45 through the coalition's school readiness program during the  
46 previous 12 months.

47  
48 The Agency for Workforce Innovation shall adopt procedures for  
49 merging early learning coalitions, including procedures for the  
50 consolidation of merging coalitions, and for the early  
51 termination of the terms of coalition members which are necessary  
52 to accomplish the mergers. Each early learning coalition must  
53 comply with the merger procedures and shall be organized in  
54 accordance with this subparagraph by April 1, 2005. By June 30,  
55 2005, each coalition must complete the transfer of powers,  
56 duties, functions, rules, records, personnel, property, and  
57 unexpended balances of appropriations, allocations, and other  
58 funds to the successor coalition, if applicable.

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59           2. If an early learning coalition would serve fewer  
60 children than the minimum number established under subparagraph  
61 1., the coalition must merge with another county to form a  
62 multicounty coalition. However, the Agency for Workforce  
63 Innovation may authorize an early learning coalition to serve  
64 fewer children than the minimum number established under  
65 subparagraph 1., if:

66           a. The coalition demonstrates to the Agency for Workforce  
67 Innovation that merging with another county or multicounty region  
68 contiguous to the coalition would cause an extreme hardship on  
69 the coalition;

70           b. The Agency for Workforce Innovation has determined  
71 during the most recent annual review of the coalition's school  
72 readiness plan, or through monitoring and performance evaluations  
73 conducted under paragraph (4)(1), that the coalition has  
74 substantially implemented its plan and substantially met the  
75 performance standards and outcome measures adopted by the agency;  
76 and

77           c. The coalition demonstrates to the Agency for Workforce  
78 Innovation the coalition's ability to effectively and efficiently  
79 implement the Voluntary Prekindergarten Education Program.

80  
81 If an early learning coalition fails or refuses to merge as  
82 required by this subparagraph, the Agency for Workforce  
83 Innovation may dissolve the coalition and temporarily contract  
84 with a qualified entity to continue school readiness and  
85 prekindergarten services in the coalition's county or multicounty  
86 region until the coalition is reestablished through resubmission  
87 of a school readiness plan and approval by the agency.

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88           3. Notwithstanding the provisions of subparagraphs 1. and  
89 2., the early learning coalitions in Sarasota, Osceola, and Santa  
90 Rosa Counties which were in operation on January 1, 2005, are  
91 established and authorized to continue operation as independent  
92 coalitions, and shall not be counted within the limit of 30  
93 coalitions established in subparagraph 1.

94           4. Each early learning coalition shall be composed of at  
95 least 18 members but not more than 35 members. The Agency for  
96 Workforce Innovation shall adopt standards establishing within  
97 this range the minimum and maximum number of members that may be  
98 appointed to an early learning coalition. These standards must  
99 include variations for a coalition serving a multicounty region.  
100 Each early learning coalition must comply with these standards.

101           5. The Governor shall appoint the chair and two other  
102 members of each early learning coalition, who must each meet the  
103 same qualifications as private sector business members appointed  
104 by the coalition under subparagraph 7.

105           6. Each early learning coalition must include the following  
106 members:

107           a. A Department of Children and Family Services district  
108 administrator or his or her designee who is authorized to make  
109 decisions on behalf of the department.

110           b. A district superintendent of schools or his or her  
111 designee who is authorized to make decisions on behalf of the  
112 district, who shall be a nonvoting member.

113           c. A regional workforce board executive director or his or  
114 her designee.

115           d. A county health department director or his or her  
116 designee.

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117 e. A children's services council or juvenile welfare board  
118 chair or executive director, if applicable, who shall be a  
119 nonvoting member if the council or board is the fiscal agent of  
120 the coalition or if the council or board contracts with and  
121 receives funds from the coalition.

122 f. An agency head of a local licensing agency as defined in  
123 s. 402.302, where applicable.

124 g. A president of a community college or his or her  
125 designee.

126 h. One member appointed by a board of county commissioners.

127 i. A central agency administrator, where applicable, who  
128 shall be a nonvoting member.

129 j. A Head Start director, who shall be a nonvoting member.

130 k. A representative of private child care providers,  
131 including family day care homes, who shall be a nonvoting member.

132 l. A representative of faith-based child care providers,  
133 who shall be a nonvoting member.

134 m. A representative of programs for children with  
135 disabilities under the federal Individuals with Disabilities  
136 Education Act, who shall be a nonvoting member.

137 7. Including the members appointed by the Governor under  
138 subparagraph 5., more than one-third of the members of each early  
139 learning coalition must be private sector business members who do  
140 not have, and none of whose relatives as defined in s. 112.3143  
141 has, a substantial financial interest in the design or delivery  
142 of the Voluntary Prekindergarten Education Program created under  
143 part V of chapter 1002 or the coalition's school readiness  
144 program. To meet this requirement an early learning coalition  
145 must appoint additional members from a list of nominees submitted

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146 to the coalition by a chamber of commerce or economic development  
147 council within the geographic region served by the coalition. The  
148 Agency for Workforce Innovation shall establish criteria for  
149 appointing private sector business members. These criteria must  
150 include standards for determining whether a member or relative  
151 has a substantial financial interest in the design or delivery of  
152 the Voluntary Prekindergarten Education Program or the  
153 coalition's school readiness program.

154 8. A majority of the voting membership of an early learning  
155 coalition constitutes a quorum required to conduct the business  
156 of the coalition. An early learning coalition board may use any  
157 method of telecommunications to conduct meetings, including  
158 establishing a quorum through telecommunications, provided that  
159 the public is given proper notice of a telecommunications meeting  
160 and reasonable access to observe and, when appropriate,  
161 participate.

162 9. A voting member of an early learning coalition may not  
163 appoint a designee to act in his or her place, except as  
164 otherwise provided in this paragraph. A voting member may send a  
165 representative to coalition meetings, but that representative  
166 does not have voting privileges. When a district administrator  
167 for the Department of Children and Family Services appoints a  
168 designee to an early learning coalition, the designee is the  
169 voting member of the coalition, and any individual attending in  
170 the designee's place, including the district administrator, does  
171 not have voting privileges.

172 10. Each member of an early learning coalition is subject  
173 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.

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174 112.3143(3) (a), each voting member is a local public officer who  
175 must abstain from voting when a voting conflict exists.

176 11. For purposes of tort liability, each member or employee  
177 of an early learning coalition shall be governed by s. 768.28.

178 12. An early learning coalition serving a multicounty  
179 region must include representation from each county.

180 13. Each early learning coalition shall establish terms for  
181 all appointed members of the coalition. The terms must be  
182 staggered and must be a uniform length that does not exceed 4  
183 years per term. Appointed members may serve a maximum of two  
184 consecutive terms. When a vacancy occurs in an appointed  
185 position, the coalition must advertise the vacancy.

186 Section 3. Section 402.27, Florida Statutes, is renumbered  
187 as section 411.0101, Florida Statutes, and amended to read:

188 411.0101 ~~402.27~~ Child care and early childhood resource and  
189 referral.--The Agency for Workforce Innovation ~~Department of~~  
190 ~~Children and Family Services~~ shall establish a statewide child  
191 care resource and referral network. Preference shall be given to  
192 using the already established early learning coalitions ~~central~~  
193 ~~agencies for subsidized child care~~ as the child care resource and  
194 referral agency. If an early learning coalition ~~the agency~~ cannot  
195 comply with the requirements to offer the resource information  
196 component or does not want to offer that service, the early  
197 learning coalition ~~Department of Children and Family Services~~  
198 shall select the resource information agency based upon a request  
199 for proposal pursuant to s. 411.01(5)(e)1. At least one child  
200 care resource and referral agency must be established in each  
201 early learning coalition's county or multicounty region ~~district~~  
202 ~~of the department, but no more than one may be established in any~~

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203 eounty. Child care resource and referral agencies shall provide  
204 the following services:

205 (1) Identification of existing public and private child  
206 care and early childhood education services, including child care  
207 services by public and private employers, and the development of  
208 a resource file of those services. These services may include  
209 family day care, public and private child care programs, head  
210 start, prekindergarten early intervention programs, special  
211 education programs for prekindergarten handicapped children,  
212 services for children with developmental disabilities, full-time  
213 and part-time programs, before-school and after-school programs,  
214 vacation care programs, parent education, the WAGES Program, and  
215 related family support services. The resource file shall include,  
216 but not be limited to:

- 217 (a) Type of program.  
218 (b) Hours of service.  
219 (c) Ages of children served.  
220 (d) Number of children served.  
221 (e) Significant program information.  
222 (f) Fees and eligibility for services.  
223 (g) Availability of transportation.

224 (2) The establishment of a referral process which responds  
225 to parental need for information and which is provided with full  
226 recognition of the confidentiality rights of parents. Resource  
227 and referral programs shall make referrals to licensed child care  
228 facilities. Referrals shall be made to an unlicensed child care  
229 facility or arrangement only if there is no requirement that the  
230 facility or arrangement be licensed.



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231 (3) Maintenance of ongoing documentation of requests for  
232 service tabulated through the internal referral process. The  
233 following documentation of requests for service shall be  
234 maintained by all child care resource and referral agencies:

235 (a) Number of calls and contacts to the child care  
236 information and referral agency component by type of service  
237 requested.

238 (b) Ages of children for whom service was requested.

239 (c) Time category of child care requests for each child.

240 (d) Special time category, such as nights, weekends, and  
241 swing shift.

242 (e) Reason that the child care is needed.

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

244 (4) Provision of technical assistance to existing and  
245 potential providers of child care services. This assistance may  
246 include:

247 (a) Information on initiating new child care services,  
248 zoning, and program and budget development and assistance in  
249 finding such information from other sources.

250 (b) Information and resources which help existing child  
251 care services providers to maximize their ability to serve  
252 children and parents in their community.

253 (c) Information and incentives which could help existing or  
254 planned child care services offered by public or private  
255 employers seeking to maximize their ability to serve the children  
256 of their working parent employees in their community, through  
257 contractual or other funding arrangements with businesses.

258 (5) Assistance to families and employers in applying for  
259 various sources of subsidy including, but not limited to,

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260 subsidized child care, head start, prekindergarten early  
261 intervention programs, Project Independence, private  
262 scholarships, and the federal dependent care tax credit.

263 (6) Assistance to state agencies in determining the market  
264 rate for child care.

265 (7) Assistance in negotiating discounts or other special  
266 arrangements with child care providers.

267 (8) Information and assistance to local interagency  
268 councils coordinating services for prekindergarten handicapped  
269 children.

270 (9) Assistance to families in identifying summer recreation  
271 camp and summer day camp programs and in evaluating the health  
272 and safety qualities of summer recreation camp and summer day  
273 camp programs and in evaluating the health and safety qualities  
274 of summer camp programs. Contingent upon specific appropriation,  
275 a checklist of important health and safety qualities that parents  
276 can use to choose their summer camp programs shall be developed  
277 and distributed in a manner that will reach parents interested in  
278 such programs for their children.

279 (10) A child care facility licensed under s. 402.305 and  
280 licensed and registered family day care homes must provide the  
281 statewide child care and resource and referral agencies with the  
282 following information annually:

283 (a) Type of program.

284 (b) Hours of service.

285 (c) Ages of children served.

286 (d) Fees and eligibility for services.

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287           (11) The Agency for Workforce Innovation shall adopt any  
288 rules necessary for the implementation and administration of this  
289 section.

290           Section 4. Section 409.178, Florida Statutes, is renumbered  
291 as section 411.0102, Florida Statutes, and subsection (4),  
292 paragraphs (b), (c), and (d) of subsection (5), and subsection  
293 (6) of that section are amended to read:

294           411.0102 ~~409.178~~ Child Care Executive Partnership Act;  
295 findings and intent; grant; limitation; rules.--

296           (4) The Child Care Executive Partnership, staffed by the  
297 Agency for Workforce Innovation ~~department~~, shall consist of a  
298 representative of the Executive Office of the Governor and nine  
299 members of the corporate or child care community, appointed by  
300 the Governor.

301           (a) Members shall serve for a period of 4 years, except  
302 that the representative of the Executive Office of the Governor  
303 shall serve at the pleasure of the Governor.

304           (b) The Child Care Executive Partnership shall be chaired  
305 by a member chosen by a majority vote and shall meet at least  
306 quarterly and at other times upon the call of the chair.

307           (c) Members shall serve without compensation, but may be  
308 reimbursed for per diem and travel expenses in accordance with s.  
309 112.061.

310           (d) The Child Care Executive Partnership shall have all the  
311 powers and authority, not explicitly prohibited by statute,  
312 necessary to carry out and effectuate the purposes of this  
313 section, as well as the functions, duties, and responsibilities  
314 of the partnership, including, but not limited to, the following:

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- 315           1. Assisting in the formulation and coordination of the  
316 state's child care policy.
- 317           2. Adopting an official seal.
- 318           3. Soliciting, accepting, receiving, investing, and  
319 expending funds from public or private sources.
- 320           4. Contracting with public or private entities as  
321 necessary.
- 322           5. Approving an annual budget.
- 323           6. Carrying forward any unexpended state appropriations  
324 into succeeding fiscal years.
- 325           7. Providing a report to the Governor, the Speaker of the  
326 House of Representatives, and the President of the Senate, on or  
327 before December 1 of each year.
- 328           (5)
- 329           (b) To ensure a seamless service delivery and ease of  
330 access for families, an early learning coalition ~~the community~~  
331 ~~coordinated child care agencies~~ or the ~~state resource and~~  
332 ~~referral~~ Agency for Workforce Innovation shall administer the  
333 child care purchasing pool funds.
- 334           (c) The Agency for Workforce Innovation ~~department~~, in  
335 conjunction with the Child Care Executive Partnership, shall  
336 develop procedures for disbursement of funds through the child  
337 care purchasing pools. In order to be considered for funding, an  
338 early learning coalition ~~the community coordinated child care~~  
339 ~~agency~~ or the ~~statewide resource and referral~~ Agency for  
340 Workforce Innovation must commit to:
- 341           1. Matching the state purchasing pool funds on a dollar-  
342 for-dollar basis; and

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343           2. Expending only those public funds which are matched by  
344 employers, local government, and other matching contributors who  
345 contribute to the purchasing pool. Parents shall also pay a fee,  
346 which shall be not less than the amount identified in the early  
347 learning coalition's ~~department's~~ subsidized child care sliding  
348 fee scale.

349           (d) Each early learning coalition ~~community coordinated~~  
350 ~~child care agency~~ shall be required to establish a community  
351 child care task force for each child care purchasing pool. The  
352 task force must be composed of employers, parents, private child  
353 care providers, and one representative from the local children's  
354 services council, if one exists in the area of the purchasing  
355 pool. The early learning coalition ~~community coordinated child~~  
356 ~~care agency~~ is expected to recruit the task force members from  
357 existing child care councils, commissions, or task forces already  
358 operating in the area of a purchasing pool. A majority of the  
359 task force shall consist of employers. Each task force shall  
360 develop a plan for the use of child care purchasing pool funds.  
361 The plan must show how many children will be served by the  
362 purchasing pool, how many will be new to receiving child care  
363 services, and how the early learning coalition ~~community~~  
364 ~~coordinated child care agency~~ intends to attract new employers  
365 and their employees to the program.

366           (6) The Agency for Workforce Innovation ~~Department of~~  
367 ~~Children and Family Services~~ shall adopt any rules necessary for  
368 the implementation and administration of this section.

369           Section 5. Subsection (3) of section 1002.55, Florida  
370 Statutes, is amended to read:

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371 1002.55 School-year prekindergarten program delivered by  
372 private prekindergarten providers.--

373 (3) To be eligible to deliver the prekindergarten program,  
374 a private prekindergarten provider must meet each of the  
375 following requirements:

376 (a) The private prekindergarten provider must be a child  
377 care facility licensed under s. 402.305, family day care home  
378 licensed under s. 402.313, large family child care home licensed  
379 under s. 402.3131, nonpublic school exempt from licensure under  
380 s. 402.3025(2), or faith-based child care provider exempt from  
381 licensure under s. 402.316.

382 (b) The private prekindergarten provider must:

383 1. Be accredited by an accrediting association that is a  
384 member of the National Council for Private School Accreditation,  
385 the Commission on International and Trans-Regional Accreditation,  
386 or the Florida Association of Academic Nonpublic Schools and have  
387 written accreditation standards that meet or exceed the state's  
388 licensing requirements under s. 402.305, s. 402.313, or s.  
389 402.3131 and require at least one on-site visit to the provider  
390 or school before accreditation is granted;

391 2. Hold a current Gold Seal Quality Care designation under  
392 s. 402.281; or

393 3. Be licensed under s. 402.305, s. 402.313, or s. 402.3131  
394 and demonstrate, before delivering the Voluntary Prekindergarten  
395 Education Program, as verified by the early learning coalition,  
396 that the provider meets each of the requirements of the program  
397 under this part, including, but not limited to, the requirements  
398 for credentials and background screenings of prekindergarten  
399 instructors under paragraphs (c) and (d), minimum and maximum

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400 class sizes under paragraph (f)~~(e)~~, prekindergarten director  
401 credentials under paragraph (g)~~(f)~~, and a developmentally  
402 appropriate curriculum under s. 1002.67(2)(b).

403 (c) The private prekindergarten provider must have, for  
404 each prekindergarten class, at least one prekindergarten  
405 instructor who meets each of the following requirements:

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

408 a. A child development associate credential issued by the  
409 National Credentialing Program of the Council for Professional  
410 Recognition; or

411 b. A credential approved by the Department of Children and  
412 Family Services as being equivalent to or greater than the  
413 credential described in sub-subparagraph a.

414

415 The Department of Children and Family Services may adopt rules  
416 under ss. 120.536(1) and 120.54 which provide criteria and  
417 procedures for approving equivalent credentials under sub-  
418 subparagraph b.

419 2. The prekindergarten instructor must successfully  
420 complete an emergent literacy training course approved by the  
421 department as meeting or exceeding the minimum standards adopted  
422 under s. 1002.59. This subparagraph does not apply to a  
423 prekindergarten instructor who successfully completes approved  
424 training in early literacy and language development under s.  
425 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the  
426 establishment of one or more emergent literacy training courses  
427 under s. 1002.59 or April 1, 2005, whichever occurs later.

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428 (d) Each prekindergarten instructor employed by the private  
429 prekindergarten provider must be of good moral character, shall  
430 be subject to must be screened using the level 2 background  
431 screening requirements in chapter 435, and must be standards in  
432 s. 435.04 before employment and rescreened at least once every 5  
433 years. The 5-year rescreening shall not require refingerprinting  
434 unless the instructor has experienced a break in covered  
435 employment of more than 90 days. A prekindergarten instructor,  
436 must be denied employment or terminated if required under s.  
437 435.06, and must not be ineligible to teach in a public school  
438 because his or her educator certificate is suspended or revoked.

439 (e) A private prekindergarten provider may assign a  
440 substitute instructor to temporarily replace a credentialed  
441 instructor if the credentialed instructor assigned to a  
442 prekindergarten class is absent, as long as the substitute  
443 instructor is of good moral character and has been screened in  
444 accordance with level 2 background screening requirements in  
445 chapter 435. The Agency for Workforce Innovation shall adopt  
446 rules to implement this paragraph which shall include required  
447 qualifications of substitute instructors and the circumstances  
448 and time limits for which a private prekindergarten provider may  
449 assign a substitute instructor.

450 (f) ~~(e)~~ Each of the private prekindergarten provider's  
451 prekindergarten classes must be composed of at least 4 students  
452 but may not exceed 18 students. In order to protect the health  
453 and safety of students, each private prekindergarten provider  
454 must also provide appropriate adult supervision for students at  
455 all times and, for each prekindergarten class composed of 11 or  
456 more students, must have, in addition to a prekindergarten



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457 | instructor who meets the requirements of paragraph (c), at least  
458 | one adult prekindergarten instructor who is not required to meet  
459 | those requirements but who must meet each requirement of  
460 | paragraph (d). This paragraph does not supersede any requirement  
461 | imposed on a provider under ss. 402.301-402.319.

462 |       (g)~~(f)~~ Before the beginning of the 2006-2007 school year,  
463 | the private prekindergarten provider must have a prekindergarten  
464 | director who has a prekindergarten director credential that is  
465 | approved by the department as meeting or exceeding the minimum  
466 | standards adopted under s. 1002.57. Successful completion of a  
467 | child care facility director credential under s. 402.305(2)(f)  
468 | before the establishment of the prekindergarten director  
469 | credential under s. 1002.57 or July 1, 2006, whichever occurs  
470 | later, satisfies the requirement for a prekindergarten director  
471 | credential under this paragraph.

472 |       (h)~~(g)~~ The private prekindergarten provider must register  
473 | with the early learning coalition on forms prescribed by the  
474 | Agency for Workforce Innovation.

475 |       (i)~~(h)~~ The private prekindergarten provider must deliver  
476 | the Voluntary Prekindergarten Education Program in accordance  
477 | with this part.

478 |       Section 6. Section 1002.61, Florida Statutes, is amended to  
479 | read:

480 |       1002.61 Summer prekindergarten program delivered by public  
481 | schools and private prekindergarten providers.--

482 |       (1) (a) Each school district shall administer the Voluntary  
483 | Prekindergarten Education Program at the district level for  
484 | students enrolled under s. 1002.53(3)(b) in a summer  
485 | prekindergarten program delivered by a public school.

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486 (b) Each early learning coalition shall administer the  
487 Voluntary Prekindergarten Education Program at the county or  
488 regional level for students enrolled under s. 1002.53(3)(b) in a  
489 summer prekindergarten program delivered by a private  
490 prekindergarten provider.

491 (2) Each summer prekindergarten program delivered by a  
492 public school or private prekindergarten provider must:

493 (a) Comprise at least 300 instructional hours;

494 (b) Not begin earlier than May 1 of the school year; and

495 (c) Not deliver the program for a child earlier than the  
496 summer immediately before the school year for which the child is  
497 eligible for admission to kindergarten in a public school under  
498 s. 1003.21(1)(a)2.

499 (3)(a) Each district school board shall determine which  
500 public schools in the school district are eligible to deliver the  
501 summer prekindergarten program. The school district shall use  
502 educational facilities available in the public schools during the  
503 summer term for the summer prekindergarten program.

504 (b) Except as provided in this section, to be eligible to  
505 deliver the summer prekindergarten program, a private  
506 prekindergarten provider must meet each requirement in s.  
507 1002.55.

508 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(5),  
509 each public school and private prekindergarten provider must  
510 have, for each prekindergarten class, at least one  
511 prekindergarten instructor who:

512 (a) Is a certified teacher; or

513 (b) Holds one of the educational credentials specified in  
514 s. 1002.55(4)(a) or (b).

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515  
516 As used in this subsection, the term "certified teacher" means a  
517 teacher holding a valid Florida educator certificate under s.  
518 1012.56 who has the qualifications required by the district  
519 school board to instruct students in the summer prekindergarten  
520 program. In selecting instructional staff for the summer  
521 prekindergarten program, each school district shall give priority  
522 to teachers who have experience or coursework in early childhood  
523 education.

524 (5) Each prekindergarten instructor employed by a public  
525 school or private prekindergarten provider delivering the summer  
526 prekindergarten program must be of good moral character, shall be  
527 subject to ~~must be screened using the level 2 background~~  
528 screening requirements in chapter 435, and must be standards in  
529 s. 435.04 before employment and rescreened at least once every 5  
530 years. The 5-year rescreening shall not require refingerprinting  
531 unless the instructor has experienced a break in covered  
532 employment of more than 90 days. A prekindergarten instructor,  
533 ~~must be denied employment or terminated if required under s.~~  
534 ~~435.06,~~ and must not be ineligible to teach in a public school  
535 because his or her educator certificate is suspended or revoked.  
536 This subsection does not supersede employment requirements for  
537 instructional personnel in public schools which are more  
538 stringent than the requirements of this subsection.

539 (6) A public school or private prekindergarten provider may  
540 assign a substitute instructor to temporarily replace a  
541 credentialed instructor if the credentialed instructor assigned  
542 to a prekindergarten class is absent, as long as the substitute  
543 instructor is of good moral character and has been screened in

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544 accordance with level 2 background screening requirements in  
545 chapter 435. The Agency for Workforce Innovation shall adopt  
546 rules to implement this subsection which shall include required  
547 qualifications of substitute instructors and the circumstances  
548 and time limits for which a public school or private  
549 prekindergarten provider may assign a substitute instructor.

550 (7)~~(6)~~ Notwithstanding ss. 1002.55(3)(f)~~(e)~~ and  
551 1002.63(8)~~(7)~~, each prekindergarten class in the summer  
552 prekindergarten program, regardless of whether the class is a  
553 public school's or private prekindergarten provider's class, must  
554 be composed of at least 4 students but may not exceed 10  
555 students. In order to protect the health and safety of students,  
556 each public school or private prekindergarten provider must also  
557 provide appropriate adult supervision for students at all times.  
558 This subsection does not supersede any requirement imposed on a  
559 provider under ss. 402.301-402.319.

560 (8)~~(7)~~ Each public school delivering the summer  
561 prekindergarten program must also:

562 (a) Register with the early learning coalition on forms  
563 prescribed by the Agency for Workforce Innovation; and

564 (b) Deliver the Voluntary Prekindergarten Education Program  
565 in accordance with this part.

566 Section 7. Section 1002.63, Florida Statutes, is amended to  
567 read:

568 1002.63 School-year prekindergarten program delivered by  
569 public schools.--

570 (1) Each school district eligible under subsection (4) may  
571 administer the Voluntary Prekindergarten Education Program at the

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572 district level for students enrolled under s. 1002.53(3)(c) in a  
573 school-year prekindergarten program delivered by a public school.

574 (2) Each school-year prekindergarten program delivered by a  
575 public school must comprise at least 540 instructional hours.

576 (3) The district school board of each school district  
577 eligible under subsection (4) shall determine which public  
578 schools in the district are eligible to deliver the  
579 prekindergarten program during the school year.

580 (4) To be eligible to deliver the prekindergarten program  
581 during the school year, each school district must meet both of  
582 the following requirements:

583 (a) The district school board must certify to the State  
584 Board of Education that the school district:

585 1. Has reduced the average class size in each classroom in  
586 accordance with s. 1003.03 and the schedule in s. 1(a), Art. IX  
587 of the State Constitution; and

588 2. Has sufficient satisfactory educational facilities and  
589 capital outlay funds to continue reducing the average class size  
590 in each classroom in the district's elementary schools for each  
591 year in accordance with the schedule for class size reduction and  
592 to achieve full compliance with the maximum class sizes in s.  
593 1(a), Art. IX of the State Constitution by the beginning of the  
594 2010-2011 school year.

595 (b) The Commissioner of Education must certify to the State  
596 Board of Education that the department has reviewed the school  
597 district's educational facilities, capital outlay funds, and  
598 projected student enrollment and concurs with the district school  
599 board's certification under paragraph (a).

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600 (5) Each public school must have, for each prekindergarten  
601 class, at least one prekindergarten instructor who meets each  
602 requirement in s. 1002.55(3)(c) for a prekindergarten instructor  
603 of a private prekindergarten provider.

604 (6) Each prekindergarten instructor employed by a public  
605 school delivering the school-year prekindergarten program must be  
606 of good moral character, shall be subject to ~~must be screened~~  
607 ~~using the level 2 background screening requirements in chapter~~  
608 ~~435, and must be standards in s. 435.04 before employment and~~  
609 ~~rescreened at least once every 5 years. The 5-year rescreening~~  
610 ~~shall not require refingerprinting unless the instructor has~~  
611 ~~experienced a break in covered employment of more than 90 days. A~~  
612 ~~prekindergarten instructor, must be denied employment or~~  
613 ~~terminated if required under s. 435.06, and must not be~~  
614 ineligible to teach in a public school because his or her  
615 educator certificate is suspended or revoked. This subsection  
616 does not supersede employment requirements for instructional  
617 personnel in public schools which are more stringent than the  
618 requirements of this subsection.

619 (7) A public school prekindergarten provider may assign a  
620 substitute instructor to temporarily replace a credentialed  
621 instructor if the credentialed instructor assigned to a  
622 prekindergarten class is absent, as long as the substitute  
623 instructor is of good moral character and has been screened in  
624 accordance with level 2 background screening requirements in  
625 chapter 435. The Agency for Workforce Innovation shall adopt  
626 rules to implement this subsection which shall include required  
627 qualifications of substitute instructors and the circumstances

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628 and time limits for which a public school prekindergarten  
629 provider may assign a substitute instructor.

630 (8)~~(7)~~ Each prekindergarten class in a public school  
631 delivering the school-year prekindergarten program must be  
632 composed of at least 4 students but may not exceed 18 students.  
633 In order to protect the health and safety of students, each  
634 school must also provide appropriate adult supervision for  
635 students at all times and, for each prekindergarten class  
636 composed of 11 or more students, must have, in addition to a  
637 prekindergarten instructor who meets the requirements of s.  
638 1002.55(3)(c), at least one adult prekindergarten instructor who  
639 is not required to meet those requirements but who must meet each  
640 requirement of subsection (6).

641 (9)~~(8)~~ Each public school delivering the school-year  
642 prekindergarten program must:

643 (a) Register with the early learning coalition on forms  
644 prescribed by the Agency for Workforce Innovation; and

645 (b) Deliver the Voluntary Prekindergarten Education Program  
646 in accordance with this part.

647 Section 8. This act shall take effect July 1, 2008.