

By the Committees on Children, Families, and Elder Affairs;  
Education Pre-K - 12; and 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. 402.316, F.S.; requiring the Department  
4           of Children and Family Services to adopt rules regarding  
5           screening standards and notice for certain child care  
6           personnel; amending s. 411.01, F.S.; authorizing the use  
7           of telecommunication methods in conducting early learning  
8           coalition board meetings; amending and renumbering s.  
9           402.27, F.S.; transferring requirements for the  
10          establishment of a statewide child care resource and  
11          referral network by the Department of Children and Family  
12          Services to the Agency for Workforce Innovation; providing  
13          for use of early learning coalitions as child care  
14          resource and referral agencies; requiring rulemaking;  
15          amending and renumbering s. 409.178, F.S.; transferring  
16          duties of the Department of Children and Family Services  
17          with respect to the Child Care Executive Partnership  
18          Program to the Agency for Workforce Innovation and early  
19          learning coalitions; requiring rulemaking; amending s.  
20          435.04, F.S.; providing additional criminal offenses for  
21          screening child care personnel; amending s. 1001.10, F.S.;  
22          requiring the Department of Education to assist school  
23          districts, charter schools, the Florida School for the  
24          Deaf and the Blind, and certain private schools and  
25          providers in developing policies and procedures governing  
26          educator ethics and employment; requiring the department  
27          to provide authorized staff with access to or provide  
28          verification through certain employment-screening tools;  
29          amending ss. 1002.55, 1002.61, and 1002.63, F.S., relating

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30 to the Voluntary Prekindergarten Education Program;  
31 providing additional accreditation standards for private  
32 prekindergarten providers; providing requirements for  
33 assignment of substitute instructors; requiring owners of  
34 certain private schools and private prekindergarten  
35 providers to adopt ethical standards for all employees;  
36 prohibiting confidentiality agreements regarding  
37 terminated or dismissed employees which have the effect of  
38 concealing certain conduct; requiring such owners and  
39 providers to contact the previous employer of each  
40 instructional or administrative candidate for employment  
41 and notify the Department of Education of dates of  
42 employment of an educator; requiring rulemaking;  
43 conforming cross-references; amending s. 1002.69, F.S.;  
44 requiring the ability to communicate in English to be  
45 included in the statewide kindergarten readiness screening  
46 criteria; providing an effective date.

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. This act may be cited as the "Success in Early  
51 Learning Act."

52 Section 2. Subsection (4) is added to section 402.316,  
53 Florida Statutes, to read:

54 402.316 Exemptions.--

55 (4) In order to implement the provisions of s. 1002.55(2),  
56 the department shall adopt rules establishing minimum standards  
57 for screening and notification of employee termination for all  
58 child care personnel.

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59 Section 3. Paragraph (a) of subsection (5) of section  
60 411.01, Florida Statutes, is amended to read:

61 411.01 School readiness programs; early learning  
62 coalitions.--

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

64 (a) Early learning coalitions.--

65 1. The Agency for Workforce Innovation shall establish the  
66 minimum number of children to be served by each early learning  
67 coalition through the coalition's school readiness program. The  
68 Agency for Workforce Innovation may only approve school readiness  
69 plans in accordance with this minimum number. The minimum number  
70 must be uniform for every early learning coalition and must:

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

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

76  
77 The Agency for Workforce Innovation shall adopt procedures for  
78 merging early learning coalitions, including procedures for the  
79 consolidation of merging coalitions, and for the early  
80 termination of the terms of coalition members which are necessary  
81 to accomplish the mergers. Each early learning coalition must  
82 comply with the merger procedures and shall be organized in  
83 accordance with this subparagraph by April 1, 2005. By June 30,  
84 2005, each coalition must complete the transfer of powers,  
85 duties, functions, rules, records, personnel, property, and  
86 unexpended balances of appropriations, allocations, and other  
87 funds to the successor coalition, if applicable.

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88           2. If an early learning coalition would serve fewer  
89 children than the minimum number established under subparagraph  
90 1., the coalition must merge with another county to form a  
91 multicounty coalition. However, the Agency for Workforce  
92 Innovation may authorize an early learning coalition to serve  
93 fewer children than the minimum number established under  
94 subparagraph 1., if:

95           a. The coalition demonstrates to the Agency for Workforce  
96 Innovation that merging with another county or multicounty region  
97 contiguous to the coalition would cause an extreme hardship on  
98 the coalition;

99           b. The Agency for Workforce Innovation has determined  
100 during the most recent annual review of the coalition's school  
101 readiness plan, or through monitoring and performance evaluations  
102 conducted under paragraph (4)(1), that the coalition has  
103 substantially implemented its plan and substantially met the  
104 performance standards and outcome measures adopted by the agency;  
105 and

106           c. The coalition demonstrates to the Agency for Workforce  
107 Innovation the coalition's ability to effectively and efficiently  
108 implement the Voluntary Prekindergarten Education Program.

109  
110 If an early learning coalition fails or refuses to merge as  
111 required by this subparagraph, the Agency for Workforce  
112 Innovation may dissolve the coalition and temporarily contract  
113 with a qualified entity to continue school readiness and  
114 prekindergarten services in the coalition's county or multicounty  
115 region until the coalition is reestablished through resubmission  
116 of a school readiness plan and approval by the agency.

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117 3. Notwithstanding the provisions of subparagraphs 1. and  
118 2., the early learning coalitions in Sarasota, Osceola, and Santa  
119 Rosa Counties which were in operation on January 1, 2005, are  
120 established and authorized to continue operation as independent  
121 coalitions, and shall not be counted within the limit of 30  
122 coalitions established in subparagraph 1.

123 4. Each early learning coalition shall be composed of at  
124 least 18 members but not more than 35 members. The Agency for  
125 Workforce Innovation shall adopt standards establishing within  
126 this range the minimum and maximum number of members that may be  
127 appointed to an early learning coalition. These standards must  
128 include variations for a coalition serving a multicounty region.  
129 Each early learning coalition must comply with these standards.

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

134 6. Each early learning coalition must include the following  
135 members:

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

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

142 c. A regional workforce board executive director or his or  
143 her designee.

144 d. A county health department director or his or her  
145 designee.

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146 e. A children's services council or juvenile welfare board  
147 chair or executive director, if applicable, who shall be a  
148 nonvoting member if the council or board is the fiscal agent of  
149 the coalition or if the council or board contracts with and  
150 receives funds from the coalition.

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

153 g. A president of a community college or his or her  
154 designee.

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

156 i. A central agency administrator, where applicable, who  
157 shall be a nonvoting member.

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

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

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

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

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

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175 to the coalition by a chamber of commerce or economic development  
176 council within the geographic region served by the coalition. The  
177 Agency for Workforce Innovation shall establish criteria for  
178 appointing private sector business members. These criteria must  
179 include standards for determining whether a member or relative  
180 has a substantial financial interest in the design or delivery of  
181 the Voluntary Prekindergarten Education Program or the  
182 coalition's school readiness program.

183 8. A majority of the voting membership of an early learning  
184 coalition constitutes a quorum required to conduct the business  
185 of the coalition. An early learning coalition board may use any  
186 method of telecommunications to conduct meetings, including  
187 establishing a quorum through telecommunications, provided that  
188 the public is given proper notice of a telecommunications meeting  
189 and reasonable access to observe and, when appropriate,  
190 participate.

191 9. A voting member of an early learning coalition may not  
192 appoint a designee to act in his or her place, except as  
193 otherwise provided in this paragraph. A voting member may send a  
194 representative to coalition meetings, but that representative  
195 does not have voting privileges. When a district administrator  
196 for the Department of Children and Family Services appoints a  
197 designee to an early learning coalition, the designee is the  
198 voting member of the coalition, and any individual attending in  
199 the designee's place, including the district administrator, does  
200 not have voting privileges.

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

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203 112.3143(3) (a), each voting member is a local public officer who  
204 must abstain from voting when a voting conflict exists.

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

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

209 13. Each early learning coalition shall establish terms for  
210 all appointed members of the coalition. The terms must be  
211 staggered and must be a uniform length that does not exceed 4  
212 years per term. Appointed members may serve a maximum of two  
213 consecutive terms. When a vacancy occurs in an appointed  
214 position, the coalition must advertise the vacancy.

215 Section 4. Section 402.27, Florida Statutes, is renumbered  
216 as section 411.0101, Florida Statutes, and amended to read:

217 411.0101 ~~402.27~~ Child care and early childhood resource and  
218 referral.--The Agency for Workforce Innovation ~~Department of~~  
219 ~~Children and Family Services~~ shall establish a statewide child  
220 care resource and referral network. Preference shall be given to  
221 using the already established early learning coalitions ~~central~~  
222 ~~agencies for subsidized child care~~ as the child care resource and  
223 referral agency. If an early learning coalition ~~the agency~~ cannot  
224 comply with the requirements to offer the resource information  
225 component or does not want to offer that service, the early  
226 learning coalition ~~Department of Children and Family Services~~  
227 shall select the resource information agency based upon a request  
228 for proposal pursuant to s. 411.01(5) (e)1. At least one child  
229 care resource and referral agency must be established in each  
230 early learning coalition's county or multicounty region ~~district~~  
231 ~~of the department, but no more than one may be established in any~~



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232 ~~county~~. Child care resource and referral agencies shall provide  
233 the following services:

234 (1) Identification of existing public and private child  
235 care and early childhood education services, including child care  
236 services by public and private employers, and the development of  
237 a resource file of those services. These services may include  
238 family day care, public and private child care programs, head  
239 start, prekindergarten early intervention programs, special  
240 education programs for prekindergarten handicapped children,  
241 services for children with developmental disabilities, full-time  
242 and part-time programs, before-school and after-school programs,  
243 vacation care programs, parent education, the WAGES Program, and  
244 related family support services. The resource file shall include,  
245 but not be limited to:

- 246 (a) Type of program.  
247 (b) Hours of service.  
248 (c) Ages of children served.  
249 (d) Number of children served.  
250 (e) Significant program information.  
251 (f) Fees and eligibility for services.  
252 (g) Availability of transportation.

253 (2) The establishment of a referral process which responds  
254 to parental need for information and which is provided with full  
255 recognition of the confidentiality rights of parents. Resource  
256 and referral programs shall make referrals to licensed child care  
257 facilities. Referrals shall be made to an unlicensed child care  
258 facility or arrangement only if there is no requirement that the  
259 facility or arrangement be licensed.

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260 (3) Maintenance of ongoing documentation of requests for  
261 service tabulated through the internal referral process. The  
262 following documentation of requests for service shall be  
263 maintained by all child care resource and referral agencies:

264 (a) Number of calls and contacts to the child care  
265 information and referral agency component by type of service  
266 requested.

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

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

269 (d) Special time category, such as nights, weekends, and  
270 swing shift.

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

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

273 (4) Provision of technical assistance to existing and  
274 potential providers of child care services. This assistance may  
275 include:

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

279 (b) Information and resources which help existing child  
280 care services providers to maximize their ability to serve  
281 children and parents in their community.

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

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

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289 subsidized child care, head start, prekindergarten early  
290 intervention programs, Project Independence, private  
291 scholarships, and the federal dependent care tax credit.

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

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

296 (8) Information and assistance to local interagency  
297 councils coordinating services for prekindergarten handicapped  
298 children.

299 (9) Assistance to families in identifying summer recreation  
300 camp and summer day camp programs and in evaluating the health  
301 and safety qualities of summer recreation camp and summer day  
302 camp programs and in evaluating the health and safety qualities  
303 of summer camp programs. Contingent upon specific appropriation,  
304 a checklist of important health and safety qualities that parents  
305 can use to choose their summer camp programs shall be developed  
306 and distributed in a manner that will reach parents interested in  
307 such programs for their children.

308 (10) A child care facility licensed under s. 402.305 and  
309 licensed and registered family day care homes must provide the  
310 statewide child care and resource and referral agencies with the  
311 following information annually:

312 (a) Type of program.

313 (b) Hours of service.

314 (c) Ages of children served.

315 (d) Fees and eligibility for services.

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316       (11) The Agency for Workforce Innovation shall adopt any  
317 rules necessary for the implementation and administration of this  
318 section.

319       Section 5. Section 409.178, Florida Statutes, is renumbered  
320 as section 411.0102, Florida Statutes, and subsection (4),  
321 paragraphs (b), (c), and (d) of subsection (5), and subsection  
322 (6) of that section are amended to read:

323       411.0102 ~~409.178~~ Child Care Executive Partnership Act;  
324 findings and intent; grant; limitation; rules.--

325       (4) The Child Care Executive Partnership, staffed by the  
326 Agency for Workforce Innovation ~~department~~, shall consist of a  
327 representative of the Executive Office of the Governor and nine  
328 members of the corporate or child care community, appointed by  
329 the Governor.

330       (a) Members shall serve for a period of 4 years, except  
331 that the representative of the Executive Office of the Governor  
332 shall serve at the pleasure of the Governor.

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

336       (c) Members shall serve without compensation, but may be  
337 reimbursed for per diem and travel expenses in accordance with s.  
338 112.061.

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

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- 344 1. Assisting in the formulation and coordination of the  
345 state's child care policy.
- 346 2. Adopting an official seal.
- 347 3. Soliciting, accepting, receiving, investing, and  
348 expending funds from public or private sources.
- 349 4. Contracting with public or private entities as  
350 necessary.
- 351 5. Approving an annual budget.
- 352 6. Carrying forward any unexpended state appropriations  
353 into succeeding fiscal years.
- 354 7. Providing a report to the Governor, the Speaker of the  
355 House of Representatives, and the President of the Senate, on or  
356 before December 1 of each year.
- 357 (5)
- 358 (b) To ensure a seamless service delivery and ease of  
359 access for families, an early learning coalition ~~the community~~  
360 ~~coordinated child care agencies~~ or the ~~state resource and~~  
361 ~~referral~~ Agency for Workforce Innovation shall administer the  
362 child care purchasing pool funds.
- 363 (c) The Agency for Workforce Innovation ~~department~~, in  
364 conjunction with the Child Care Executive Partnership, shall  
365 develop procedures for disbursement of funds through the child  
366 care purchasing pools. In order to be considered for funding, an  
367 early learning coalition ~~the community coordinated child care~~  
368 ~~agency~~ or the ~~statewide resource and referral~~ Agency for  
369 Workforce Innovation must commit to:
- 370 1. Matching the state purchasing pool funds on a dollar-  
371 for-dollar basis; and

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

378 (d) Each early learning coalition ~~community coordinated~~  
379 ~~child care agency~~ shall be required to establish a community  
380 child care task force for each child care purchasing pool. The  
381 task force must be composed of employers, parents, private child  
382 care providers, and one representative from the local children's  
383 services council, if one exists in the area of the purchasing  
384 pool. The early learning coalition ~~community coordinated child~~  
385 ~~care agency~~ is expected to recruit the task force members from  
386 existing child care councils, commissions, or task forces already  
387 operating in the area of a purchasing pool. A majority of the  
388 task force shall consist of employers. Each task force shall  
389 develop a plan for the use of child care purchasing pool funds.  
390 The plan must show how many children will be served by the  
391 purchasing pool, how many will be new to receiving child care  
392 services, and how the early learning coalition ~~community~~  
393 ~~coordinated child care agency~~ intends to attract new employers  
394 and their employees to the program.

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

398 Section 6. Paragraph (c) is added to subsection (4) of  
399 section 435.04, Florida Statutes, to read:

400 435.04 Level 2 screening standards.--

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401 (4) Standards must also ensure that the person:

402 (c) For child care personnel screened pursuant to s.  
403 402.305, s. 402.3055, s. 402.313, s. 402.3131, or s. 402.316, has  
404 not been convicted of, or entered a plea of guilty or nolo  
405 contendere, regardless of adjudication, to offenses prohibited  
406 under any of the following statutes or under similar statutes of  
407 another jurisdiction:

408 1. Section 787.025, relating to luring or enticing a child.

409 2. Section 794.05, relating to unlawful sexual activity  
410 with certain minors.

411 3. Section 810.14, relating to voyeurism.

412 4. Section 810.145, relating to video voyeurism.

413 5. Any delinquent act that qualified or would have  
414 qualified an individual for inclusion on the Registered Juvenile  
415 Sex Offender List pursuant to s. 943.0435(1)(a)1.d.

416 Section 7. Present subsection (4) of section 1001.10,  
417 Florida Statutes, is renumbered as subsection (6), and  
418 subsections (4) and (5) are added to that section, to read:  
419 1001.10 Commissioner of Education; general powers and  
420 duties.--

421 (4) The Department of Education shall provide technical  
422 assistance to local school districts, charter schools, the  
423 Florida School for the Deaf and the Blind, and private schools  
424 that accept scholarship students under chapter 1002 or s. 220.187  
425 in the development of policies, procedures, and training related  
426 to educator ethics and employment practices.

427 (5) The Department of Education shall provide authorized  
428 staff of local school districts, charter schools, the Florida  
429 School for the Deaf and the Blind, private schools that accept

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430 scholarship students under chapter 1002 or s. 220.187, and  
431 private providers pursuant to s. 1002.55 with access to  
432 electronic verification of information from the following  
433 employment-screening tools:

434 (a) The Professional Practices' Database of Disciplinary  
435 Actions Against Educators; and

436 (b) The Department of Education's Teacher Certification  
437 Database.

438 Section 8. Present subsections (2), (3), and (4) of section  
439 1002.55, Florida Statutes, are renumbered as subsections (3),  
440 (4), and (5), respectively, a new subsection (2) is added to that  
441 section, and present subsection (3) of that section is amended,  
442 to read:

443 1002.55 School-year prekindergarten program delivered by  
444 private prekindergarten providers.--

445 (2) A private provider participating in the Voluntary  
446 Prekindergarten Education Program under this section must comply  
447 with the following:

448 (a) The provider must complete ethics training that has  
449 been developed jointly by the Department of Children and Family  
450 Services, the Department of Education, and the Agency for  
451 Workforce Innovation. Such training shall include strategies on  
452 how to adopt and communicate policies, responsibilities, and  
453 procedures for reporting suspected or actual misconduct by a  
454 prekindergarten instructor or administrator which affects the  
455 health, safety, or welfare of a student, and an explanation of  
456 liability protections provided to students, parents, and  
457 employees under ss. 39.201, 39.202, and 768.095. Successful  
458 completion of training shall be documented on the child care



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459 personnel training transcript of the Department of Children and  
460 Family Services.

461 (b) The provider must disqualify from employment any  
462 prekindergarten instructor or administrator who has been  
463 convicted of a disqualifying offense identified under s. 435.04.

464 (c) Before appointing a candidate as a prekindergarten  
465 instructor or administrator, the provider must contact the  
466 candidate's previous employer pursuant to ss. 402.302(13) and  
467 435.10 to assess the candidate's ability to meet ethical  
468 standards for professional educators, screen the candidate  
469 through the use of the educator-screening tools described in s.  
470 1001.10(5) and the electronic database of the Department of  
471 Children and Family Services, and document the findings.

472 (d) The provider may not enter into a confidentiality  
473 agreement regarding a terminated or dismissed employee or an  
474 employee who resigns in lieu of termination based in whole or in  
475 part on unethical conduct that affects the health, safety, or  
476 welfare of a student and may not provide the employee with a  
477 favorable recommendation for employment in another educational  
478 setting. A portion of an agreement or contract that has the  
479 purpose or effect of concealing the misconduct of a  
480 prekindergarten instructor or administrator is void, is contrary  
481 to public policy, and may not be enforced.

482 (e) The Agency for Workforce Innovation shall prohibit a  
483 private provider that fails to comply with this subsection from  
484 accepting funds under the Voluntary Prekindergarten Program for a  
485 period of 1 calendar year and until the provider complies with  
486 this subsection.

487 (4)-(3)- To be eligible to deliver the prekindergarten

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488 program, a private prekindergarten provider must meet each of the  
489 following requirements:

490 (a) The private prekindergarten provider must be a child  
491 care facility licensed under s. 402.305, family day care home  
492 licensed under s. 402.313, large family child care home licensed  
493 under s. 402.3131, nonpublic school exempt from licensure under  
494 s. 402.3025(2), or faith-based child care provider exempt from  
495 licensure under s. 402.316.

496 (b) The private prekindergarten provider must:

497 1. Be accredited by an accrediting association that is a  
498 member of the National Council for Private School Accreditation,  
499 the Commission on International and Trans-Regional Accreditation,  
500 or the Florida Association of Academic Nonpublic Schools and have  
501 written accreditation standards that meet or exceed the state's  
502 licensing requirements under s. 402.305, s. 402.313, or s.  
503 402.3131 and require at least one on-site visit to the provider  
504 or school before accreditation is granted;

505 2. Hold a current Gold Seal Quality Care designation under  
506 s. 402.281; or

507 3. Be licensed under s. 402.305, s. 402.313, or s. 402.3131  
508 and demonstrate, before delivering the Voluntary Prekindergarten  
509 Education Program, as verified by the early learning coalition,  
510 that the provider meets each of the requirements of the program  
511 under this part, including, but not limited to, the requirements  
512 for credentials and background screenings of prekindergarten  
513 instructors under paragraphs (c) and (d), minimum and maximum  
514 class sizes under paragraph (f) ~~(e)~~, prekindergarten director  
515 credentials under paragraph (g) ~~(f)~~, and a developmentally  
516 appropriate curriculum under s. 1002.67(2)(b).

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

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

522 a. A child development associate credential issued by the  
523 National Credentialing Program of the Council for Professional  
524 Recognition; or

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

528  
529 The Department of Children and Family Services may adopt rules  
530 under ss. 120.536(1) and 120.54 which provide criteria and  
531 procedures for approving equivalent credentials under sub-  
532 subparagraph b.

533 2. The prekindergarten instructor must successfully  
534 complete an emergent literacy training course approved by the  
535 department as meeting or exceeding the minimum standards adopted  
536 under s. 1002.59. This subparagraph does not apply to a  
537 prekindergarten instructor who successfully completes approved  
538 training in early literacy and language development under s.  
539 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the  
540 establishment of one or more emergent literacy training courses  
541 under s. 1002.59 or April 1, 2005, whichever occurs later.

542 (d) Each prekindergarten instructor employed by the private  
543 prekindergarten provider must be of good moral character, must be  
544 screened using the level 2 screening standards in s. 435.04  
545 before employment and rescreened at least once every 5 years,

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546 must be denied employment or terminated if required under s.  
547 435.06, and must not be ineligible to teach in a public school  
548 because his or her educator certificate is suspended or revoked.

549 (e) A private prekindergarten provider may assign a  
550 substitute instructor to temporarily replace a credentialed  
551 instructor if the credentialed instructor assigned to a  
552 prekindergarten class is absent, as long as the substitute  
553 instructor is of good moral character, has been screened in  
554 accordance with level 2 background screening requirements in s.  
555 435.04, and meets the screening standards in that section. The  
556 Agency for Workforce Innovation shall adopt rules to implement  
557 this paragraph which shall include required qualifications of  
558 substitute instructors and the circumstances and time limits for  
559 which a private prekindergarten provider may assign a substitute  
560 instructor.

561 (f)~~(e)~~ Each of the private prekindergarten provider's  
562 prekindergarten classes must be composed of at least 4 students  
563 but may not exceed 18 students. In order to protect the health  
564 and safety of students, each private prekindergarten provider  
565 must also provide appropriate adult supervision for students at  
566 all times and, for each prekindergarten class composed of 11 or  
567 more students, must have, in addition to a prekindergarten  
568 instructor who meets the requirements of paragraph (c), at least  
569 one adult prekindergarten instructor who is not required to meet  
570 those requirements but who must meet each requirement of  
571 paragraph (d). This paragraph does not supersede any requirement  
572 imposed on a provider under ss. 402.301-402.319.

573 (g)~~(f)~~ Before the beginning of the 2006-2007 school year,  
574 the private prekindergarten provider must have a prekindergarten

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575 | director who has a prekindergarten director credential that is  
576 | approved by the department as meeting or exceeding the minimum  
577 | standards adopted under s. 1002.57. Successful completion of a  
578 | child care facility director credential under s. 402.305(2)(f)  
579 | before the establishment of the prekindergarten director  
580 | credential under s. 1002.57 or July 1, 2006, whichever occurs  
581 | later, satisfies the requirement for a prekindergarten director  
582 | credential under this paragraph.

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

586 |       (i)~~(h)~~ The private prekindergarten provider must deliver  
587 | the Voluntary Prekindergarten Education Program in accordance  
588 | with this part.

589 |       Section 9. Section 1002.61, Florida Statutes, is amended to  
590 | read:

591 |       1002.61 Summer prekindergarten program delivered by public  
592 | schools and private prekindergarten providers.--

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

597 |       (b) Each early learning coalition shall administer the  
598 | Voluntary Prekindergarten Education Program at the county or  
599 | regional level for students enrolled under s. 1002.53(3)(b) in a  
600 | summer prekindergarten program delivered by a private  
601 | prekindergarten provider.

602 |       (2) Each summer prekindergarten program delivered by a  
603 | public school or private prekindergarten provider must:

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604 (a) Comprise at least 300 instructional hours;  
605 (b) Not begin earlier than May 1 of the school year; and  
606 (c) Not deliver the program for a child earlier than the  
607 summer immediately before the school year for which the child is  
608 eligible for admission to kindergarten in a public school under  
609 s. 1003.21(1)(a)2.

610 (3)(a) Each district school board shall determine which  
611 public schools in the school district are eligible to deliver the  
612 summer prekindergarten program. The school district shall use  
613 educational facilities available in the public schools during the  
614 summer term for the summer prekindergarten program.

615 (b) Except as provided in this section, to be eligible to  
616 deliver the summer prekindergarten program, a private  
617 prekindergarten provider must meet each requirement in s.  
618 1002.55.

619 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(5),  
620 each public school and private prekindergarten provider must  
621 have, for each prekindergarten class, at least one  
622 prekindergarten instructor who:

623 (a) Is a certified teacher; or

624 (b) Holds one of the educational credentials specified in  
625 s. 1002.55(4)(a) or (b).  
626

627 As used in this subsection, the term "certified teacher" means a  
628 teacher holding a valid Florida educator certificate under s.  
629 1012.56 who has the qualifications required by the district  
630 school board to instruct students in the summer prekindergarten  
631 program. In selecting instructional staff for the summer  
632 prekindergarten program, each school district shall give priority

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633 to teachers who have experience or coursework in early childhood  
634 education.

635 (5) Each prekindergarten instructor employed by a public  
636 school or private prekindergarten provider delivering the summer  
637 prekindergarten program must be of good moral character, must be  
638 screened using the level 2 screening standards in s. 435.04  
639 before employment and rescreened at least once every 5 years,  
640 must be denied employment or terminated if required under s.  
641 435.06, and must not be ineligible to teach in a public school  
642 because his or her educator certificate is suspended or revoked.  
643 This subsection does not supersede employment requirements for  
644 instructional personnel in public schools which are more  
645 stringent than the requirements of this subsection.

646 (6) A public school or private prekindergarten provider may  
647 assign a substitute instructor to temporarily replace a  
648 credentialed instructor if the credentialed instructor assigned  
649 to a prekindergarten class is absent, as long as the substitute  
650 instructor is of good moral character and has been screened in  
651 accordance with level 2 background screening requirements in s.  
652 435.04, and meets the screening standards in that section. The  
653 Agency for Workforce Innovation shall adopt rules to implement  
654 this subsection which shall include required qualifications of  
655 substitute instructors and the circumstances and time limits for  
656 which a public school or private prekindergarten provider may  
657 assign a substitute instructor.

658 (7)~~(6)~~ Notwithstanding ss. 1002.55(3)~~(f)~~~~(e)~~ and  
659 1002.63~~(8)~~~~(7)~~, each prekindergarten class in the summer  
660 prekindergarten program, regardless of whether the class is a  
661 public school's or private prekindergarten provider's class, must

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662 | be composed of at least 4 students but may not exceed 10  
663 | students. In order to protect the health and safety of students,  
664 | each public school or private prekindergarten provider must also  
665 | provide appropriate adult supervision for students at all times.  
666 | This subsection does not supersede any requirement imposed on a  
667 | provider under ss. 402.301-402.319.

668 |       (8)~~(7)~~ Each public school delivering the summer  
669 | prekindergarten program must also:

670 |           (a) Register with the early learning coalition on forms  
671 | prescribed by the Agency for Workforce Innovation; and

672 |           (b) Deliver the Voluntary Prekindergarten Education Program  
673 | in accordance with this part.

674 |       Section 10. Section 1002.63, Florida Statutes, is amended  
675 | to read:

676 |       1002.63 School-year prekindergarten program delivered by  
677 | public schools.--

678 |           (1) Each school district eligible under subsection (4) may  
679 | administer the Voluntary Prekindergarten Education Program at the  
680 | district level for students enrolled under s. 1002.53(3)(c) in a  
681 | school-year prekindergarten program delivered by a public school.

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

684 |           (3) The district school board of each school district  
685 | eligible under subsection (4) shall determine which public  
686 | schools in the district are eligible to deliver the  
687 | prekindergarten program during the school year.

688 |           (4) To be eligible to deliver the prekindergarten program  
689 | during the school year, each school district must meet both of  
690 | the following requirements:



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

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

696 2. Has sufficient satisfactory educational facilities and  
697 capital outlay funds to continue reducing the average class size  
698 in each classroom in the district's elementary schools for each  
699 year in accordance with the schedule for class size reduction and  
700 to achieve full compliance with the maximum class sizes in s.  
701 1(a), Art. IX of the State Constitution by the beginning of the  
702 2010-2011 school year.

703 (b) The Commissioner of Education must certify to the State  
704 Board of Education that the department has reviewed the school  
705 district's educational facilities, capital outlay funds, and  
706 projected student enrollment and concurs with the district school  
707 board's certification under paragraph (a).

708 (5) Each public school must have, for each prekindergarten  
709 class, at least one prekindergarten instructor who meets each  
710 requirement in s. 1002.55(3)(c) for a prekindergarten instructor  
711 of a private prekindergarten provider.

712 (6) Each prekindergarten instructor employed by a public  
713 school delivering the school-year prekindergarten program must be  
714 of good moral character, must be screened using the level 2  
715 screening standards in s. 435.04 before employment and rescreened  
716 at least once every 5 years, must be denied employment or  
717 terminated if required under s. 435.06, and must not be  
718 ineligible to teach in a public school because his or her  
719 educator certificate is suspended or revoked. This subsection

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720 does not supersede employment requirements for instructional  
721 personnel in public schools which are more stringent than the  
722 requirements of this subsection.

723 (7) A public school prekindergarten provider may assign a  
724 substitute instructor to temporarily replace a credentialed  
725 instructor if the credentialed instructor assigned to a  
726 prekindergarten class is absent, as long as the substitute  
727 instructor is of good moral character and has been screened in  
728 accordance with level 2 background screening requirements in s.  
729 435.04, and meets the screening standards in that section. The  
730 Agency for Workforce Innovation shall adopt rules to implement  
731 this subsection which shall include required qualifications of  
732 substitute instructors and the circumstances and time limits for  
733 which a public school prekindergarten provider may assign a  
734 substitute instructor.

735 (8)~~(7)~~ Each prekindergarten class in a public school  
736 delivering the school-year prekindergarten program must be  
737 composed of at least 4 students but may not exceed 18 students.  
738 In order to protect the health and safety of students, each  
739 school must also provide appropriate adult supervision for  
740 students at all times and, for each prekindergarten class  
741 composed of 11 or more students, must have, in addition to a  
742 prekindergarten instructor who meets the requirements of s.  
743 1002.55(3)(c), at least one adult prekindergarten instructor who  
744 is not required to meet those requirements but who must meet each  
745 requirement of subsection (6).

746 (9)~~(8)~~ Each public school delivering the school-year  
747 prekindergarten program must:

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

750 (b) Deliver the Voluntary Prekindergarten Education Program  
751 in accordance with this part.

752 Section 11. Subsection (1) of section 1002.69, Florida  
753 Statutes, is amended to read:

754 1002.69 Statewide kindergarten screening; kindergarten  
755 readiness rates.--

756 (1) The department shall adopt a statewide kindergarten  
757 screening that assesses the readiness of each student for  
758 kindergarten based upon the performance standards adopted by the  
759 department under s. 1002.67(1) for the Voluntary Prekindergarten  
760 Education Program. The screening shall include, as one criteria  
761 for kindergarten readiness, the ability to communicate in the  
762 English language. The department shall require that each school  
763 district administer the statewide kindergarten screening to each  
764 kindergarten student in the school district within the first 30  
765 school days of each school year.

766 Section 12. This act shall take effect July 1, 2008.