

By the Committees on Commerce; Children, Families, and Elder Affairs; Education Pre-K - 12; and Senators Gaetz and Lynn

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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 revising the basis for calculating a school's kindergarten  
45 readiness rate; providing an effective date.

46  
47 Be It Enacted by the Legislature of the State of Florida:

48  
49 Section 1. This act may be cited as the "Success in Early  
50 Learning Act."

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

53 402.316 Exemptions.--

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

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

60 411.01 School readiness programs; early learning  
61 coalitions.--

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

63 (a) Early learning coalitions.--

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

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

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

75  
76 The Agency for Workforce Innovation shall adopt procedures for  
77 merging early learning coalitions, including procedures for the  
78 consolidation of merging coalitions, and for the early  
79 termination of the terms of coalition members which are necessary  
80 to accomplish the mergers. Each early learning coalition must  
81 comply with the merger procedures and shall be organized in  
82 accordance with this subparagraph by April 1, 2005. By June 30,  
83 2005, each coalition must complete the transfer of powers,  
84 duties, functions, rules, records, personnel, property, and  
85 unexpended balances of appropriations, allocations, and other  
86 funds to the successor coalition, if applicable.

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

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

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

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

108  
109 If an early learning coalition fails or refuses to merge as  
110 required by this subparagraph, the Agency for Workforce  
111 Innovation may dissolve the coalition and temporarily contract  
112 with a qualified entity to continue school readiness and  
113 prekindergarten services in the coalition's county or multicounty  
114 region until the coalition is reestablished through resubmission  
115 of a school readiness plan and approval by the agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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202 112.3143(3) (a), each voting member is a local public officer who  
203 must abstain from voting when a voting conflict exists.

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

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

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

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

216 411.0101 ~~402.27~~ Child care and early childhood resource and  
217 referral.--The Agency for Workforce Innovation ~~Department of~~  
218 ~~Children and Family Services~~ shall establish a statewide child  
219 care resource and referral network. Preference shall be given to  
220 using the already established early learning coalitions ~~central~~  
221 ~~agencies for subsidized child care~~ as the child care resource and  
222 referral agency. If an early learning coalition ~~the agency~~ cannot  
223 comply with the requirements to offer the resource information  
224 component or does not want to offer that service, the early  
225 learning coalition ~~Department of Children and Family Services~~  
226 shall select the resource information agency based upon a request  
227 for proposal pursuant to s. 411.01(5) (e)1. At least one child  
228 care resource and referral agency must be established in each  
229 early learning coalition's county or multicounty region ~~district~~  
230 ~~of the department, but no more than one may be established in any~~



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

311 (a) Type of program.

312 (b) Hours of service.

313 (c) Ages of children served.

314 (d) Fees and eligibility for services.

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

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

322           411.0102 ~~409.178~~ Child Care Executive Partnership Act;  
323 findings and intent; grant; limitation; rules.--

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

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

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

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

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

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

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

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

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

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

399 435.04 Level 2 screening standards.--

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

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

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

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

410 3. Section 810.14, relating to voyeurism.

411 4. Section 810.145, relating to video voyeurism.

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

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

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

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

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

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

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

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

442 1002.55 School-year prekindergarten program delivered by  
443 private prekindergarten providers.--

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

447 (a) The provider must complete ethics training that has  
448 been developed jointly by the Department of Children and Family  
449 Services, the Department of Education, and the Agency for  
450 Workforce Innovation. Such training shall include strategies on  
451 how to adopt and communicate policies, responsibilities, and  
452 procedures for reporting suspected or actual misconduct by a  
453 prekindergarten instructor or administrator which affects the  
454 health, safety, or welfare of a student, and an explanation of  
455 liability protections provided to students, parents, and  
456 employees under ss. 39.203 and 768.095. Successful completion of  
457 training shall be documented on the child care personnel training



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458 transcript of the Department of Children and Family Services.

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

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

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

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

485 (4)(3) To be eligible to deliver the prekindergarten  
486 program, a private prekindergarten provider must meet each of the

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487 following requirements:

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

494 (b) The private prekindergarten provider must:

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

503 2. Hold a current Gold Seal Quality Care designation under  
504 s. 402.281; or

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

515 (c) The private prekindergarten provider must have, for

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516 each prekindergarten class, at least one prekindergarten  
517 instructor who meets each of the following requirements:

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

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

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

526

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

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

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

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545 435.06, and must not be ineligible to teach in a public school  
546 because his or her educator certificate is suspended or revoked.

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

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

571 (g)~~(f)~~ Before the beginning of the 2006-2007 school year,  
572 the private prekindergarten provider must have a prekindergarten  
573 director who has a prekindergarten director credential that is

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

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

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

587 Section 9. Section 1002.61, Florida Statutes, is amended to  
588 read:

589 1002.61 Summer prekindergarten program delivered by public  
590 schools and private prekindergarten providers.--

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

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

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

602 (a) Comprise at least 300 instructional hours;

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

604 (c) Not deliver the program for a child earlier than the  
605 summer immediately before the school year for which the child is  
606 eligible for admission to kindergarten in a public school under  
607 s. 1003.21(1)(a)2.

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

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

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

621 (a) Is a certified teacher; or

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

624

625 As used in this subsection, the term "certified teacher" means a  
626 teacher holding a valid Florida educator certificate under s.

627 1012.56 who has the qualifications required by the district  
628 school board to instruct students in the summer prekindergarten  
629 program. In selecting instructional staff for the summer  
630 prekindergarten program, each school district shall give priority

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631 to teachers who have experience or coursework in early childhood  
632 education.

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

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

656 (7)~~(6)~~ Notwithstanding ss. 1002.55(3)~~(f)~~~~(e)~~ and  
657 1002.63~~(8)~~~~(7)~~, each prekindergarten class in the summer  
658 prekindergarten program, regardless of whether the class is a  
659 public school's or private prekindergarten provider's class, must

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

666 (8)~~(7)~~ Each public school delivering the summer  
667 prekindergarten program must also:

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

670 (b) Deliver the Voluntary Prekindergarten Education Program  
671 in accordance with this part.

672 Section 10. Section 1002.63, Florida Statutes, is amended  
673 to read:

674 1002.63 School-year prekindergarten program delivered by  
675 public schools.--

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

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

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

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



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

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

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

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

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

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

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

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

733 |       ~~(8)-(7)~~ Each prekindergarten class in a public school  
734 | delivering the school-year prekindergarten program must be  
735 | composed of at least 4 students but may not exceed 18 students.  
736 | In order to protect the health and safety of students, each  
737 | school must also provide appropriate adult supervision for  
738 | students at all times and, for each prekindergarten class  
739 | composed of 11 or more students, must have, in addition to a  
740 | prekindergarten instructor who meets the requirements of s.  
741 | 1002.55(3)(c), at least one adult prekindergarten instructor who  
742 | is not required to meet those requirements but who must meet each  
743 | requirement of subsection (6).

744 |       ~~(9)-(8)~~ Each public school delivering the school-year  
745 | prekindergarten program must:

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

748 (b) Deliver the Voluntary Prekindergarten Education Program  
749 in accordance with this part.

750 Section 11. Subsection (5) of section 1002.69, Florida  
751 Statutes, is amended to read:

752 1002.69 Statewide kindergarten screening; kindergarten  
753 readiness rates.--

754 (5) The State Board of Education shall adopt procedures for  
755 the department to annually calculate each private prekindergarten  
756 provider's and public school's kindergarten readiness rate, which  
757 must be expressed as the percentage of the provider's or school's  
758 students who are assessed as ready for kindergarten. The  
759 kindergarten readiness rates must be based exclusively upon the  
760 results of the statewide kindergarten screening for students  
761 completing the Voluntary Prekindergarten Education Program and,  
762 if applicable, the students' results on the department's approved  
763 Aural/Oral Language Proficiency Test ~~beginning with students~~  
764 ~~completing the program during the 2005-2006 school year who are~~  
765 ~~administered the statewide kindergarten screening during the~~  
766 ~~2006-2007 school year.~~ The rates must not include students who  
767 are not administered the statewide kindergarten screening.

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