

By the Committees on Transportation and Economic Development
Appropriations; 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.; revising conditions
7 relating to the service of a children's services council
8 or juvenile welfare board chair or director as a member of
9 an early learning coalition; authorizing the use of
10 telecommunication methods in conducting early learning
11 coalition board meetings; amending and renumbering s.
12 402.27, F.S.; transferring requirements for the
13 establishment of a statewide child care resource and
14 referral network by the Department of Children and Family
15 Services to the Agency for Workforce Innovation; providing
16 for use of early learning coalitions as child care
17 resource and referral agencies; requiring rulemaking;
18 amending and renumbering s. 409.178, F.S.; transferring
19 duties of the Department of Children and Family Services
20 with respect to the Child Care Executive Partnership
21 Program to the Agency for Workforce Innovation and early
22 learning coalitions; requiring rulemaking; amending s.
23 435.04, F.S.; providing additional criminal offenses for
24 screening child care personnel; amending s. 1001.10, F.S.;
25 requiring the Department of Education to assist school
26 districts, charter schools, the Florida School for the
27 Deaf and the Blind, and certain private schools and
28 providers in developing policies and procedures governing
29 educator ethics and employment; requiring the department

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30 to provide authorized staff with access to or provide
31 verification through certain employment-screening tools;
32 amending ss. 1002.55, 1002.61, and 1002.63, F.S., relating
33 to the Voluntary Prekindergarten Education Program;
34 providing additional accreditation standards for private
35 prekindergarten providers; providing requirements for
36 assignment of substitute instructors; requiring owners of
37 certain private schools and private prekindergarten
38 providers to adopt ethical standards for all employees;
39 prohibiting confidentiality agreements regarding
40 terminated or dismissed employees which have the effect of
41 concealing certain conduct; requiring such owners and
42 providers to contact the previous employer of each
43 instructional or administrative candidate for employment
44 and notify the Department of Education of dates of
45 employment of an educator; requiring rulemaking;
46 conforming cross-references; 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 for any purpose other than
151 rent.
- 152 f. An agency head of a local licensing agency as defined in
153 s. 402.302, where applicable.
- 154 g. A president of a community college or his or her
155 designee.
- 156 h. One member appointed by a board of county commissioners.
- 157 i. A central agency administrator, where applicable, who
158 shall be a nonvoting member.
- 159 j. A Head Start director, who shall be a nonvoting member.
- 160 k. A representative of private child care providers,
161 including family day care homes, who shall be a nonvoting member.
- 162 l. A representative of faith-based child care providers,
163 who shall be a nonvoting member.
- 164 m. A representative of programs for children with
165 disabilities under the federal Individuals with Disabilities
166 Education Act, who shall be a nonvoting member.
- 167 7. Including the members appointed by the Governor under
168 subparagraph 5., more than one-third of the members of each early
169 learning coalition must be private sector business members who do
170 not have, and none of whose relatives as defined in s. 112.3143
171 has, a substantial financial interest in the design or delivery
172 of the Voluntary Prekindergarten Education Program created under
173 part V of chapter 1002 or the coalition's school readiness
174 program. To meet this requirement an early learning coalition

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

313 (a) Type of program.

314 (b) Hours of service.

315 (c) Ages of children served.

316 (d) Fees and eligibility for services.

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

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

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

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

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

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

337 (c) Members shall serve without compensation, but may be
338 reimbursed for per diem and travel expenses in accordance with s.
339 112.061.

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

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

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

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

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

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

401 435.04 Level 2 screening standards.--

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

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

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

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

412 3. Section 810.14, relating to voyeurism.

413 4. Section 810.145, relating to video voyeurism.

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

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

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

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

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

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

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

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

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

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

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

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460 transcript of the Department of Children and 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
488 program, a private prekindergarten provider must meet each of the

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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).

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

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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,
546 | must be denied employment or terminated if required under s.

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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
575 director who has a prekindergarten director credential that is

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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:

604 (a) Comprise at least 300 instructional hours;

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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. This act shall take effect July 1, 2008.