

Amendment No.

CHAMBER ACTION

Senate

House

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The Conference Committee on CS/HB 5103 offered the following:

**Conference Committee Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 411.01, Florida Statutes, is amended to read:

411.01 School readiness programs; early learning coalitions.—

(1) SHORT TITLE.—This section may be cited as the "School Readiness Act."

(2) LEGISLATIVE INTENT.—

(a) The Legislature recognizes that school readiness programs increase children's chances of achieving future educational success and becoming productive members of society.

It is the intent of the Legislature that the programs be developmentally appropriate, research-based, involve the parent

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17 as a child's first teacher, serve as preventive measures for  
18 children at risk of future school failure, enhance the  
19 educational readiness of eligible children, and support family  
20 education. Each school readiness program shall provide the  
21 elements necessary to prepare at-risk children for school,  
22 including health screening and referral and an appropriate  
23 educational program.

24 (b) It is the intent of the Legislature that school  
25 readiness programs be operated on a full-time and part-time  
26 ~~full-day~~, year-round basis to the maximum extent possible to  
27 enable parents to work and become financially self-sufficient.

28 (c) It is the intent of the Legislature that school  
29 readiness programs not exist as isolated programs, but build  
30 upon existing services and work in cooperation with other  
31 programs for young children, and that school readiness programs  
32 be coordinated to achieve full effectiveness.

33 (d) It is the intent of the Legislature that the  
34 administrative staff for school readiness programs be kept to  
35 the minimum necessary to administer the duties of the Office of  
36 Early Learning and early learning coalitions. The Office of  
37 Early Learning shall adopt system support services at the state  
38 level to build a comprehensive early learning system. Each early  
39 learning coalition shall implement and maintain direct  
40 enhancement services at the local level, as approved in its  
41 school readiness plan by the Office of Early Learning, and  
42 ensure access to such services in all 67 counties.

43 (e) It is the intent of the Legislature that the school  
44 readiness program coordinate and operate in conjunction with the  
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45 district school systems. However, it is also the intent of the  
46 Legislature that the school readiness program not be construed  
47 as part of the system of free public schools but rather as a  
48 separate program for children under the age of kindergarten  
49 eligibility, funded separately from the system of free public  
50 schools, utilizing a mandatory sliding fee scale, and providing  
51 an integrated and seamless system of school readiness services  
52 for the state's birth-to-kindergarten population.

53 (f) It is the intent of the Legislature that school  
54 readiness services be an integrated and seamless program of  
55 services with a developmentally appropriate education component  
56 for the state's eligible birth-to-kindergarten population  
57 described in subsection (7) ~~(6)~~ and not be construed as part of  
58 the seamless K-20 education system.

59 (3) DEFINITIONS.—As used in this section, the term:

60 (a) "Adjusted payment rate percentage" means a specified  
61 percentage applied to the prevailing market rate for each type  
62 of school readiness provider and level of care.

63 (b) "At-risk child" means:

64 1. A child from a family under investigation by the  
65 Department of Children and Family Services or a designated  
66 sheriff's office for child abuse, neglect, abandonment, or  
67 exploitation.

68 2. A child who is in a diversion program provided by the  
69 Department of Children and Family Services or its contracted  
70 provider and who is from a family that is actively participating  
71 and complying in department-prescribed activities, including  
72 education, health services, or work.

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73 3. A child from a family that is under supervision by the  
74 Department of Children and Family Services or a contracted  
75 service provider for abuse, neglect, abandonment, or  
76 exploitation.

77 4. A child placed in court-ordered, long-term custody or  
78 under the guardianship of a relative or nonrelative after  
79 termination of supervision by the Department of Children and  
80 Family Services or its contracted provider.

81 (c) "Authorized hours of care" means the hours of care  
82 that are necessary to provide protection, maintain employment,  
83 or complete work activities or eligible educational activities,  
84 including reasonable travel time.

85 (d) "Earned income" means gross remuneration derived from  
86 work, professional service, or self-employment. The term  
87 includes commissions, bonuses, back pay awards, and the cash  
88 value of all remuneration paid in a medium other than cash.

89 (e) "Economically disadvantaged" means having a family  
90 income that does not exceed 150 percent of the federal poverty  
91 level and includes being a child of a working migratory family.

92 (f) "Family income" means the combined gross income,  
93 whether earned or unearned, that is derived from any source by  
94 all family or household members who are 18 years of age or older  
95 and currently residing together in the same dwelling unit. The  
96 term does not include income earned by a currently enrolled high  
97 school student who, since attaining the age of 18 years, has not  
98 terminated school enrollment or received a high school diploma,  
99 high school equivalency diploma, special diploma, or certificate  
100 of high school completion. The term also does not include food

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101 stamp benefits or federal housing assistance payments issued  
102 directly to a landlord or the associated utilities expenses.

103 (g) "Family or household members" means spouses, former  
104 spouses, persons related by blood or marriage, persons who are  
105 parents of a child in common regardless of whether they have  
106 been married, and other persons who are currently residing  
107 together in the same dwelling unit as if a family.

108 (h) "Full-time care" means at least 6 hours, but not more  
109 than 11 hours, of child care or early childhood education  
110 services within a 24-hour period.

111 (i) "Gold Seal premium percentage" means a specified  
112 percentage that, for a school readiness provider that maintains  
113 the Gold Seal Quality Care designation under s. 402.281, is  
114 applied to the provider's adjusted payment rate.

115 (j) "In loco parentis" means acting as a child's temporary  
116 guardian.

117 (k) "Market rate" means the price that a child care or  
118 early childhood education provider charges for full-time or  
119 part-time daily, weekly, or monthly child care or early  
120 childhood education services.

121 (l) "Office" means the Office of Early Learning of the  
122 Department of Education.

123 (m) "Parent" means a parent by blood, marriage, or  
124 adoption; a legal guardian; or another person standing in loco  
125 parentis.

126 (n) "Part-time care" means less than 6 hours of child care  
127 or early childhood education services within a 24-hour period.

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128 (o) "Prevailing market rate" means the biennially  
129 determined statewide median of the market rate for child care  
130 and early childhood education services.

131 (p) "Unearned income" means income other than earned  
132 income. The term includes, but is not limited to:

- 133 1. Documented alimony and child support received.
- 134 2. Social security benefits.
- 135 3. Supplemental security income benefits.
- 136 4. Workers' compensation benefits.
- 137 5. Unemployment compensation benefits.
- 138 6. Veterans' benefits.
- 139 7. Retirement benefits.
- 140 8. Temporary cash assistance under chapter 414.
- 141 9. Military housing assistance under the federal Family  
142 Subsistence Supplemental Allowance Program.

143 (q) "Working family" means:

- 144 1. A single-parent family in which the parent with whom  
145 the child resides is employed or engaged in eligible education  
146 activities for at least 20 hours per week;
- 147 2. A two-parent family in which both parents with whom the  
148 child resides are each employed or engaged in eligible education  
149 activities for at least 20 hours per week; or
- 150 3. A family in which the parents, as prescribed by rule of  
151 the Office of Early Learning, are exempt from work requirements  
152 due to age or a disability as determined and documented by a  
153 physician licensed under chapter 458 or chapter 459.

154 (4)(3)- PARENTAL PARTICIPATION IN SCHOOL READINESS  
155 PROGRAMS.—This section does not:

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156 (a) Relieve parents and guardians of their own obligations  
157 to prepare their children for school; or

158 (b) Create any obligation to provide publicly funded  
159 school readiness programs or services beyond those authorized by  
160 the Legislature.

161 ~~(5)-(4)~~ OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF  
162 EDUCATION.—

163 (a) The Office of Early Learning shall administer school  
164 readiness programs at the state level and shall coordinate with  
165 the early learning coalitions in providing school readiness  
166 services ~~on a full-day, full-year, full-choice basis to the~~  
167 ~~extent possible in order~~ to enable parents to work and be  
168 financially self-sufficient.

169 (b) The Office of Early Learning shall:

170 1. Prioritize services for eligible children from birth  
171 through kindergarten.

172 ~~2.1.~~ Coordinate the birth-to-kindergarten services for  
173 children who are eligible under subsection (7) ~~(6)~~ and the  
174 programmatic, administrative, and fiscal standards under this  
175 chapter section for all ~~public~~ providers of school readiness  
176 programs.

177 ~~3.2.~~ Focus on improving the educational quality of all  
178 program providers participating in publicly funded school  
179 readiness programs.

180 ~~4.3.~~ Provide comprehensive services to ~~the state's birth-~~  
181 ~~to-5 population, which shall~~ ensure the preservation of parental  
182 choice by permitting parents to choose from a variety of child  
183 care categories, including: center-based child care; group home  
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184 child care; family child care; and in-home child care. Care and  
185 curriculum by a sectarian provider may not be limited or  
186 excluded in any of these categories.

187 (c) The Governor shall designate the Office of Early  
188 Learning as the lead agency for administration of the federal  
189 Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and  
190 the office shall comply with the lead agency responsibilities  
191 under federal law.

192 (d) The Office of Early Learning shall:

193 1. Be responsible for the prudent use of all public and  
194 private funds in accordance with all legal and contractual  
195 requirements.

196 2. Adopt a uniform chart of accounts for budgeting and  
197 financial reporting purposes that provides standardized  
198 definitions for expenditures and reporting which are consistent  
199 with subsection (10) for each of the following categories of  
200 expenditures:

201 a. Direct services to children.

202 b. Administrative costs.

203 c. Quality activities.

204 d. Nondirect services.

205 ~~3.2.~~ Provide final approval and every 2 years review early  
206 learning coalitions and school readiness plans.

207 ~~4.3.~~ Establish a unified approach to the state's efforts  
208 toward enhancement of school readiness. In support of this  
209 effort, the Office of Early Learning shall adopt specific system  
210 support services that address the state's school readiness  
211 programs, and each. ~~An~~ early learning coalition shall implement  
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212 ~~amend its school readiness plan to conform to the specific~~  
213 ~~system support services in its school readiness plan as provided~~  
214 ~~in subparagraph (6)(c)2. adopted by the Office of Early~~  
215 ~~Learning. System support services shall include, but are not~~  
216 ~~limited to:~~

- 217 ~~a. Child care resource and referral services;~~  
218 ~~b. Warm-Line services;~~  
219 ~~c. Eligibility determinations;~~  
220 ~~d. Child performance standards;~~  
221 ~~e. Child screening and assessment;~~  
222 ~~f. Developmentally appropriate curricula;~~  
223 ~~g. Health and safety requirements;~~  
224 ~~h. Statewide data system requirements; and~~  
225 ~~i. Rating and improvement systems.~~

226 5.4. Safeguard the effective use of federal, state, local,  
227 and private resources to achieve the highest possible level of  
228 school readiness for the children in this state.

229 ~~5. Adopt a rule establishing criteria for the expenditure~~  
230 ~~of funds designated for the purpose of funding activities to~~  
231 ~~improve the quality of child care within the state in accordance~~  
232 ~~with s. 658C of the federal Child Care and Development Block~~  
233 ~~Grant Act.~~

234 6. Provide technical assistance to early learning  
235 coalitions in a manner determined by the Office of Early  
236 Learning based upon information obtained by the office from  
237 various sources, including, but not limited to, public input,  
238 government reports, private interest group reports, office  
239 monitoring visits, and coalition requests for service.

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240 7. In cooperation with the early learning coalitions,  
241 coordinate with the Child Care Services Program Office of the  
242 Department of Children and Family Services to minimize  
243 duplicating interagency activities, health and safety  
244 monitoring, and acquiring and composing data pertaining to child  
245 care training and credentialing.

246 8. Develop and adopt performance standards and outcome  
247 measures for school readiness programs. The performance  
248 standards must address the age-appropriate progress of children  
249 in the development of school readiness skills. The performance  
250 standards for children from birth to 5 years of age in school  
251 readiness programs must be integrated with the performance  
252 standards adopted by the Department of Education for children in  
253 the Voluntary Prekindergarten Education Program under s.  
254 1002.67.

255 9. Adopt a list of approved curricula that meet the  
256 performance standards for school readiness programs and  
257 establish a process for the review and approval of a provider's  
258 curriculum that meets the performance standards.

259 10. By July 1, 2013, identify and adopt a preassessment  
260 and postassessment aligned with the performance standards  
261 adopted under subparagraph 8. Upon adoption, the preassessments  
262 and postassessments shall immediately be implemented and used by  
263 school readiness providers. The office shall collect the results  
264 of the preassessments and postassessments statewide to evaluate  
265 the effectiveness of the school readiness programs. At a  
266 minimum, a preassessment shall be administered to each child who  
267 participates in a school readiness program within the first 60  
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268 days after enrollment. By May 30 of each year, a postassessment  
269 shall be administered to each child who participates in a  
270 provider's program for at least the previous 6 months.

271 11.9. Adopt a statewide provider standard contract, and  
272 prescribe a standardized format for such contract, which that  
273 must be used by the coalitions to annually contract when  
274 contracting with each school readiness provider providers. A  
275 coalition may not omit, supplement, or amend any provision of  
276 the statewide provider contract. In addition, a coalition may  
277 not insert or append attachments, addenda, or exhibits to the  
278 statewide provider contract. The office shall publish a copy of  
279 the statewide provider contract on its Internet website and  
280 provide a copy of the contract to each coalition.

281 12. Adopt a standardized methodology for monitoring  
282 compliance by school readiness providers with the terms of the  
283 statewide provider contract adopted under subparagraph 11.

284 (e) The Office of Early Learning may adopt rules under ss.  
285 120.536(1) and 120.54 to administer the provisions of law  
286 conferring duties upon the office, including, but not limited  
287 to, rules governing the administration of system support  
288 services of school readiness programs, the adoption of a uniform  
289 chart of accounts, the adoption of a statewide provider contract  
290 and methodology for monitoring compliance with the contract, the  
291 adoption of a list of approved curricula, the collection of  
292 data, the approval of early learning coalitions and school  
293 readiness plans, the provision of a method whereby an early  
294 learning coalition may serve two or more counties, the award of  
295 incentives to early learning coalitions, child performance

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296 standards, child outcome measures, monitoring of the quality  
297 activities as described in subparagraph (10)(d)2., the issuance  
298 of waivers, and the implementation of the state's Child Care and  
299 Development Fund Plan as approved by the federal Administration  
300 for Children and Families.

301 (f) The Office of Early Learning shall have all powers  
302 necessary to administer this section, including, but not limited  
303 to, the power to receive and accept grants, loans, or advances  
304 of funds from any public or private agency and to receive and  
305 accept from any source contributions of money, property, labor,  
306 or any other thing of value, to be held, used, and applied for  
307 purposes of this section.

308 (g) Except as provided by law, the Office of Early  
309 Learning may not impose requirements on a child care or early  
310 childhood education provider that does not deliver services  
311 under the school readiness programs or receive state or federal  
312 funds under this section.

313 (h) The Office of Early Learning shall coordinate with  
314 other state and federal agencies to perform data matches on  
315 children participating in school readiness programs and their  
316 families in order to verify the children's eligibility pursuant  
317 to subsection (7) ~~have a budget for school readiness programs,~~  
318 ~~which shall be financed through an annual appropriation made for~~  
319 ~~purposes of this section in the General Appropriations Act.~~

320 (i) The Office of Early Learning shall coordinate the  
321 efforts toward school readiness in this state and provide  
322 independent policy analyses, data analyses, and recommendations

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323 to the Governor, the State Board of Education, and the  
324 Legislature.

325 (j) The Office of Early Learning shall require that school  
326 readiness programs, at a minimum, enhance the age-appropriate  
327 progress of each child in attaining the performance standards  
328 adopted under subparagraph (d)8. and in the development of the  
329 following school readiness skills:

- 330 1. Compliance with rules, limitations, and routines.
- 331 2. Ability to perform tasks.
- 332 3. Interactions with adults.
- 333 4. Interactions with peers.
- 334 5. Ability to cope with challenges.
- 335 6. Self-help skills.
- 336 7. Ability to express the child's needs.
- 337 8. Verbal communication skills.
- 338 9. Problem-solving skills.
- 339 10. Following of verbal directions.
- 340 11. Demonstration of curiosity, persistence, and  
341 exploratory behavior.
- 342 12. Interest in books and other printed materials.
- 343 13. Paying attention to stories.
- 344 14. Participation in art and music activities.
- 345 15. Ability to identify colors, geometric shapes, letters  
346 of the alphabet, numbers, and spatial and temporal  
347 relationships.

348  
349 Within 30 days after enrollment in the school readiness program,  
350 the early learning coalition must ensure that the program

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351 provider obtains information regarding the child's  
352 immunizations, physical development, and other health  
353 requirements as necessary, including appropriate vision and  
354 hearing screening and examinations. ~~For a program provider~~  
355 ~~licensed by the Department of Children and Family Services, the~~  
356 ~~provider's compliance with s. 402.305(9), as verified pursuant~~  
357 ~~to s. 402.311, shall satisfy this requirement.~~

358 (k) The Office of Early Learning shall conduct studies and  
359 planning activities related to the overall improvement and  
360 effectiveness of the outcome measures adopted by the office for  
361 school readiness programs and the specific system support  
362 services to address the state's school readiness programs  
363 adopted by the Office of Early Learning in accordance with  
364 subparagraph (d)4. ~~(d)3.~~

365 (l) The Office of Early Learning shall monitor and  
366 evaluate the performance of each early learning coalition in  
367 administering the school readiness program, implementing the  
368 coalition's school readiness plan, and administering the  
369 Voluntary Prekindergarten Education Program. These monitoring  
370 and performance evaluations must include, at a minimum, onsite  
371 monitoring of each coalition's finances, management, operations,  
372 and programs.

373 (m) The Office of Early Learning shall submit an annual  
374 report of its activities conducted under this section to the  
375 Governor, the President of the Senate, the Speaker of the House  
376 of Representatives, and the minority leaders of both houses of  
377 the Legislature. In addition, the Office of Early Learning's  
378 reports and recommendations shall be made available to the

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379 Florida Early Learning Advisory Council and other appropriate  
380 state agencies and entities. The annual report must provide an  
381 analysis of school readiness activities across the state,  
382 including the number of children who were served in the  
383 programs.

384 (n) The Office of Early Learning shall work with the early  
385 learning coalitions to ensure availability of training and  
386 support for parental involvement in children's early education  
387 and to provide family literacy activities and services.

388 ~~(6)-(5)~~ CREATION OF EARLY LEARNING COALITIONS.-

389 (a) Early learning coalitions.-

390 1. Each early learning coalition shall maintain direct  
391 enhancement services at the local level and ensure access to  
392 such services in all 67 counties.

393 2. The Office of Early Learning shall establish the  
394 minimum number of children to be served by each early learning  
395 coalition through the coalition's school readiness program. The  
396 Office of Early Learning may only approve school readiness plans  
397 in accordance with this minimum number. The minimum number must  
398 be uniform for every early learning coalition and must result in  
399 the establishment of:

400 a. Thirty-one ~~Permit 31~~ or fewer coalitions ~~to be~~  
401 ~~established~~; and

402 b. Coalitions that are ~~Require~~ each of adequate size and  
403 operational scale to comply with the expenditure limits in  
404 paragraph (10) (d) ~~coalition to serve at least 2,000 children~~  
405 ~~based upon the average number of all children served per month~~

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406 ~~through the coalition's school readiness program during the~~  
407 ~~previous 12 months.~~

408       3. If an early learning coalition is not able to comply  
409 with the expenditure limits in paragraph (10) (d) would serve  
410 ~~fewer children than the minimum number established under~~  
411 ~~subparagraph 2.,~~ the coalition must merge with another  
412 coalition, or two or more coalitions may agree to change the  
413 counties that comprise each coalition, such that each resulting  
414 county to form a multicounty coalition is of adequate size and  
415 operational scale to comply with the expenditure limits. The  
416 Office of Early Learning shall adopt procedures for merging  
417 early learning coalitions, including procedures for the  
418 consolidation of merging coalitions, and for the early  
419 termination of the terms of coalition members which are  
420 necessary to accomplish the mergers. However, the office ~~may~~ of  
421 ~~Early Learning shall grant a waiver~~ from this subparagraph for  
422 to an early learning coalition that is unable to comply with the  
423 expenditure limits in paragraph (10) (d) during the 2012-2013  
424 fiscal year, the 2013-2014 fiscal year, or both fiscal years, if  
425 the coalition submits to the office adequate documentation  
426 describing and justifying the reasons that the coalition was  
427 unable to comply with the expenditure limits ~~to serve fewer~~  
428 ~~children than the minimum number established under subparagraph~~  
429 ~~2., if:~~

430       a. ~~The Office of Early Learning has determined during the~~  
431 ~~most recent review of the coalition's school readiness plan, or~~  
432 ~~through monitoring and performance evaluations conducted under~~

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433 ~~paragraph (4)(1), that the coalition has substantially~~  
434 ~~implemented its plan;~~

435 ~~b. The coalition demonstrates to the Office of Early~~  
436 ~~Learning the coalition's ability to effectively and efficiently~~  
437 ~~implement the Voluntary Prekindergarten Education Program; and~~

438 ~~e. The coalition demonstrates to the Office of Early~~  
439 ~~Learning that the coalition can perform its duties in accordance~~  
440 ~~with law.~~

441  
442 ~~If an early learning coalition fails or refuses to merge as~~  
443 ~~required by this subparagraph, the Office of Early Learning may~~  
444 ~~dissolve the coalition and temporarily contract with a qualified~~  
445 ~~entity to continue school readiness and prekindergarten services~~  
446 ~~in the coalition's county or multicounty region until the office~~  
447 ~~reestablishes the coalition and a new school readiness plan is~~  
448 ~~approved by the office.~~

449 4. Each early learning coalition shall be composed of at  
450 least 15 members but not more than 30 members. The Office of  
451 Early Learning shall adopt standards establishing within this  
452 range the minimum and maximum number of members that may be  
453 appointed to an early learning coalition and procedures for  
454 identifying which members have voting privileges under  
455 subparagraph 6. These standards must include variations for a  
456 coalition serving a multicounty region. Each early learning  
457 coalition must comply with these standards.

458 5. The Governor shall appoint the chair and two other  
459 members of each early learning coalition, who must each meet the

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460 same qualifications as private sector business members appointed  
461 by the coalition under subparagraph 7.

462 6. Each early learning coalition must include the  
463 following member positions; however, in a multicounty coalition,  
464 each ex officio member position may be filled by multiple  
465 nonvoting members but no more than one voting member shall be  
466 seated per member position. If an early learning coalition has  
467 more than one member representing the same entity, only one of  
468 such members may serve as a voting member:

469 a. A Department of Children and Family Services circuit  
470 administrator or his or her designee who is authorized to make  
471 decisions on behalf of the department.

472 b. A district superintendent of schools or his or her  
473 designee who is authorized to make decisions on behalf of the  
474 district.

475 c. A regional workforce board executive director or his or  
476 her designee.

477 d. A county health department director or his or her  
478 designee.

479 e. A children's services council or juvenile welfare board  
480 chair or executive director, if applicable.

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

483 g. A president of a community college or his or her  
484 designee.

485 h. One member appointed by a board of county commissioners  
486 or the governing board of a municipality.

487 i. A central agency administrator, where applicable.

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- 488           j. A Head Start director.
- 489           k. A representative of private for-profit child care  
490 providers, including private for-profit family day care homes.
- 491           l. A representative of faith-based child care providers.
- 492           m. A representative of programs for children with  
493 disabilities under the federal Individuals with Disabilities  
494 Education Act.
- 495           7. Including the members appointed by the Governor under  
496 subparagraph 5., more than one-third of the members of each  
497 early learning coalition must be private sector business members  
498 who do not have, and none of whose relatives as defined in s.  
499 112.3143 has, a substantial financial interest in the design or  
500 delivery of the Voluntary Prekindergarten Education Program  
501 created under part V of chapter 1002 or the coalition's school  
502 readiness program. To meet this requirement an early learning  
503 coalition must appoint additional members. The Office of Early  
504 Learning shall establish criteria for appointing private sector  
505 business members. These criteria must include standards for  
506 determining whether a member or relative has a substantial  
507 financial interest in the design or delivery of the Voluntary  
508 Prekindergarten Education Program or the coalition's school  
509 readiness program.
- 510           8. A majority of the voting membership of an early  
511 learning coalition constitutes a quorum required to conduct the  
512 business of the coalition. An early learning coalition board may  
513 use any method of telecommunications to conduct meetings,  
514 including establishing a quorum through telecommunications,  
515 provided that the public is given proper notice of a

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516 telecommunications meeting and reasonable access to observe and,  
517 when appropriate, participate.

518 9. A voting member of an early learning coalition may not  
519 appoint a designee to act in his or her place, except as  
520 otherwise provided in this paragraph. A voting member may send a  
521 representative to coalition meetings, but that representative  
522 does not have voting privileges. When a district administrator  
523 for the Department of Children and Family Services appoints a  
524 designee to an early learning coalition, the designee is the  
525 voting member of the coalition, and any individual attending in  
526 the designee's place, including the district administrator, does  
527 not have voting privileges.

528 10. Each member of an early learning coalition is subject  
529 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.  
530 112.3143(3)(a), each voting member is a local public officer who  
531 must abstain from voting when a voting conflict exists.

532 11. For purposes of tort liability, each member or  
533 employee of an early learning coalition shall be governed by s.  
534 768.28.

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

537 13. Each early learning coalition shall establish terms  
538 for all appointed members of the coalition. The terms must be  
539 staggered and must be a uniform length that does not exceed 4  
540 years per term. Coalition chairs shall be appointed for 4 years  
541 in conjunction with their membership on the Early Learning  
542 Advisory Council under s. 20.052. Appointed members may serve a

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543 maximum of two consecutive terms. When a vacancy occurs in an  
544 appointed position, the coalition must advertise the vacancy.

545 (b) Limitation.—Except as provided by law, the early  
546 learning coalitions may not impose requirements on a child care  
547 or early childhood education provider that does not deliver  
548 services under the school readiness programs or receive state,  
549 federal, required maintenance of effort, or matching funds under  
550 this section.

551 (c) Program expectations.—

552 1. The school readiness program must meet the following  
553 expectations:

554 a. The program must, at a minimum, enhance the age-  
555 appropriate progress of each child in attaining the performance  
556 standards and outcome measures adopted by the Office of Early  
557 Learning.

558 b. The program must provide extended-day and extended-year  
559 services to the maximum extent possible without compromising the  
560 quality of the program to meet the needs of parents who work.

561 c. The program must provide a coordinated professional  
562 development system that supports the achievement and maintenance  
563 of core competencies by school readiness instructors in helping  
564 children attain the performance standards and outcome measures  
565 adopted by the Office of Early Learning.

566 d. There must be expanded access to community services and  
567 resources for families to help achieve economic self-  
568 sufficiency.

569 e. There must be a single point of entry and unified  
570 waiting list. As used in this sub-subparagraph, the term "single  
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571 point of entry" means an integrated information system that  
572 allows a parent to enroll his or her child in the school  
573 readiness program at various locations throughout a county, that  
574 may allow a parent to enroll his or her child by telephone or  
575 through an Internet website, and that uses a unified waiting  
576 list to track eligible children waiting for enrollment in the  
577 school readiness program. The Office of Early Learning shall  
578 establish through technology a single statewide information  
579 system that each coalition must use for the purposes of managing  
580 the single point of entry, tracking children's progress,  
581 coordinating services among stakeholders, determining  
582 eligibility, tracking child attendance, and streamlining  
583 administrative processes for providers and early learning  
584 coalitions.

585 ~~f. The Office of Early Learning must consider the access~~  
586 ~~of eligible children to the school readiness program, as~~  
587 ~~demonstrated in part by waiting lists, before approving a~~  
588 ~~proposed increase in payment rates submitted by an early~~  
589 ~~learning coalition. In addition, early learning coalitions shall~~  
590 ~~use school readiness funds made available due to enrollment~~  
591 ~~shifts from school readiness programs to the Voluntary~~  
592 ~~Prekindergarten Education Program for increasing the number of~~  
593 ~~children served in school readiness programs before increasing~~  
594 ~~payment rates.~~

595 f.g. The program must meet all state licensing guidelines,  
596 where applicable. For a child care facility, large family child  
597 care home, or licensed family day care home, compliance with s.  
598 402.305, s. 402.3131, or s. 402.313 satisfies this requirement.

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599 For a public or nonpublic school, compliance with s. 402.3025 or  
600 s. 1003.22 satisfies this requirement. A faith-based child care  
601 provider exempt from licensure under s. 402.316 must meet or  
602 exceed the requirements of s. 402.305, except for square footage  
603 per child, as determined by an onsite inspection by an early  
604 learning coalition. An informal child care provider or  
605 registered family day care home must meet or exceed the  
606 requirements of s. 402.313. A before-school or after-school  
607 program must meet or exceed the requirements of s. 402.305(5),  
608 (6), and (7).

609 ~~g.h.~~ The program must ensure that minimum standards for  
610 child discipline practices are age-appropriate. Such standards  
611 must provide that children not be subjected to discipline that  
612 is severe, humiliating, or frightening or discipline that is  
613 associated with food, rest, or toileting. Spanking or any other  
614 form of physical punishment is prohibited.

615 2. Each early learning coalition must implement a  
616 comprehensive program of school readiness services in accordance  
617 with this chapter and the rules adopted by the office which  
618 enhance the cognitive, social, and physical development of  
619 children to achieve the performance standards and outcome  
620 measures. At a minimum, these programs must contain the  
621 following system support service elements:

622 a. Developmentally appropriate curriculum designed to  
623 enhance the age-appropriate progress of children in attaining  
624 the performance standards adopted by the Office of Early  
625 Learning under subparagraph (5) (d) 8. ~~(4) (d) 8.~~

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626 b. A character development program to develop basic  
627 values.

628 c. An age-appropriate screening of each child's  
629 development and an appropriate referral process for children  
630 with identified delays.

631 d. An age-appropriate preassessment and postassessment of  
632 children as provided in subparagraph (5)(d)10. ~~assessment~~  
633 ~~administered to children when they enter a program and an age-~~  
634 ~~appropriate assessment administered to children when they leave~~  
635 ~~the program.~~

636 e. An appropriate staff-to-children ratio, pursuant to s.  
637 402.305(4) or s. 402.302(8) or (11), as applicable, and as  
638 verified pursuant to s. 402.311.

639 f. A healthy and safe environment pursuant to s.  
640 401.305(5), (6), and (7), as applicable, and as verified  
641 pursuant to s. 402.311.

642 g. A resource and referral network established under s.  
643 411.0101 to assist parents in making an informed choice and a  
644 regional Warm-Line under s. 411.01015.

645  
646 The Office of Early Learning and early learning coalitions shall  
647 coordinate with the Child Care Services Program Office of the  
648 Department of Children and Family Services to minimize  
649 duplicating interagency activities pertaining to acquiring and  
650 composing data for child care training and credentialing.

651 (d) Implementation.—

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652 1. An early learning coalition may not implement the  
653 school readiness program until the coalition's school readiness  
654 plan is approved by the Office of Early Learning.

655 2. Each early learning coalition shall coordinate with one  
656 another to implement a comprehensive program of school readiness  
657 services which enhances the cognitive, social, physical, and  
658 moral character of the children to achieve the performance  
659 standards and outcome measures and which helps families achieve  
660 economic self-sufficiency. Such program must contain, at a  
661 minimum, the following elements:

662 a. Implement the school readiness program to meet the  
663 requirements of this section and the system support services,  
664 performance standards, and outcome measures adopted by the  
665 Office of Early Learning.

666 b. Demonstrate how the program will ensure that each child  
667 from birth through 5 years of age in a publicly funded school  
668 readiness program receives scheduled activities and instruction  
669 designed to enhance the age-appropriate progress of the children  
670 in attaining the performance standards adopted by the department  
671 under subparagraph (5) (d) 8. ~~(4) (d) 8.~~

672 c. Ensure that the coalition has solicited and considered  
673 comments regarding the proposed school readiness plan from the  
674 local community.

675

676 Before implementing the school readiness program, the early  
677 learning coalition must submit the plan to the office for  
678 approval. The office may approve the plan, reject the plan, or

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679 approve the plan with conditions. The office shall review school  
680 readiness plans at least every 2 years.

681 3. If the Office of Early Learning determines during the  
682 review of school readiness plans, or through monitoring and  
683 performance evaluations conducted under paragraph (5) (1) ~~(4) (1)~~,  
684 that an early learning coalition has not substantially  
685 implemented its plan, has not substantially met the performance  
686 standards and outcome measures adopted by the office, or has not  
687 effectively administered the school readiness program or  
688 Voluntary Prekindergarten Education Program, the office may  
689 dissolve the coalition and temporarily contract with a qualified  
690 entity to continue school readiness and prekindergarten services  
691 in the coalition's county or multicounty region until the office  
692 reestablishes the coalition and a new school readiness plan is  
693 approved in accordance with the rules adopted by the office.

694 4. The Office of Early Learning shall adopt rules  
695 establishing criteria for the approval of school readiness  
696 plans. The criteria must be consistent with the system support  
697 services, performance standards, and outcome measures adopted by  
698 the office and must require each approved plan to include the  
699 following minimum standards for the school readiness program:

700 a. A community plan that addresses the needs of all  
701 children and providers within the coalition's county or  
702 multicounty region.

703 ~~b. A sliding fee scale establishing a copayment for~~  
704 ~~parents based upon their ability to pay, which is the same for~~  
705 ~~all program providers.~~

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706 ~~b.e.~~ A choice of settings and locations in licensed,  
707 registered, religious-exempt, or school-based programs to be  
708 provided to parents.

709 ~~d. Specific eligibility priorities for children in~~  
710 ~~accordance with subsection (6).~~

711 ~~c.e.~~ Performance standards and outcome measures adopted by  
712 the office.

713 ~~f. Payment rates adopted by the early learning coalitions~~  
714 ~~and approved by the office. Payment rates may not have the~~  
715 ~~effect of limiting parental choice or creating standards or~~  
716 ~~levels of services that have not been expressly established by~~  
717 ~~the Legislature, unless the creation of such standards or levels~~  
718 ~~of service, which must be uniform throughout the state, has been~~  
719 ~~approved by the Federal Government and result in the state being~~  
720 ~~eligible to receive additional federal funds available for early~~  
721 ~~learning on a statewide basis.~~

722 ~~g. Direct enhancement services for families and children.~~  
723 ~~System support and direct enhancement services shall be in~~  
724 ~~addition to payments for the placement of children in school~~  
725 ~~readiness programs. Direct enhancement services for families may~~  
726 ~~include parent training and involvement activities and~~  
727 ~~strategies to meet the needs of unique populations and local~~  
728 ~~eligibility priorities. Enhancement services for children may~~  
729 ~~include provider supports and professional development approved~~  
730 ~~in the plan by the Office of Early Learning.~~

731 ~~d.h.~~ The business organization of the early learning  
732 coalition, which must include the coalition's articles of  
733 incorporation and bylaws if the coalition is organized as a  
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734 corporation. If the coalition is not organized as a corporation  
735 or other business entity, the plan must include the contract  
736 with a fiscal agent. An early learning coalition may contract  
737 with other coalitions to achieve efficiency in multicounty  
738 services, and these contracts may be part of the coalition's  
739 school readiness plan.

740 ~~i. The implementation of locally developed quality~~  
741 ~~programs in accordance with the requirements adopted by the~~  
742 ~~office under subparagraph (4) (d) 5.~~

743  
744 The Office of Early Learning may request the Governor to apply  
745 for a waiver to allow the coalition to administer the Head Start  
746 Program to accomplish the purposes of the school readiness  
747 program.

748 5. Persons with an early childhood teaching certificate  
749 may provide support and supervision to other staff in the school  
750 readiness program.

751 6. An early learning coalition may not implement its  
752 school readiness plan until it submits the plan to and receives  
753 approval from the Office of Early Learning. Once the plan is  
754 approved, the plan and the services provided under the plan  
755 shall be controlled by the early learning coalition. The plan  
756 shall be reviewed and revised as necessary, but at least  
757 biennially. An early learning coalition may not implement the  
758 revisions until the coalition submits the revised plan to and  
759 receives approval from the office. If the office rejects a  
760 revised plan, the coalition must continue to operate under its  
761 prior approved plan.

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762           7. Section 125.901(2)(a)3. does not apply to school  
763 readiness programs. The Office of Early Learning may apply to  
764 the Governor and Cabinet for a waiver of, and the Governor and  
765 Cabinet may waive, any of the provisions of ss. 411.223 and  
766 1003.54, if the waiver is necessary for implementation of school  
767 readiness programs.

768           8. Two or more early learning coalitions may join for  
769 purposes of planning and implementing a school readiness  
770 program.

771           (e) Requests for proposals; ~~payment schedule.~~

772           ~~1.~~ Each early learning coalition must comply with federal  
773 ~~the procurement requirements and the expenditure requirements of~~  
774 ~~procedures adopted by the Office of Early Learning, including,~~  
775 ~~but not limited to, applying the procurement and expenditure~~  
776 ~~procedures required by federal and state law and state rules for~~  
777 ~~the expenditure of federal funds.~~

778           ~~2.~~ Each early learning coalition shall adopt a payment  
779 ~~schedule that encompasses all programs funded under this~~  
780 ~~section. The payment schedule must take into consideration the~~  
781 ~~prevailing market rate, must include the projected number of~~  
782 ~~children to be served, and must be submitted for approval by the~~  
783 ~~Office of Early Learning. Informal child care arrangements shall~~  
784 ~~be reimbursed at not more than 50 percent of the rate adopted~~  
785 ~~for a family day care home.~~

786           (f) Evaluation and annual report.—Each early learning  
787 coalition shall conduct an evaluation of its implementation of  
788 the school readiness program, including system support services,  
789 performance standards, and outcome measures, and shall provide  
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790 an annual report and fiscal statement to the Office of Early  
791 Learning. This report must also include an evaluation of the  
792 effectiveness of its direct enhancement services and conform to  
793 the content and format specifications adopted by the Office of  
794 Early Learning. The Office of Early Learning must include an  
795 analysis of the early learning coalitions' reports in the  
796 office's annual report.

797 ~~(7)-(6) PROGRAM ELIGIBILITY AND ENROLLMENT. The school~~  
798 ~~readiness program is established for children from birth to the~~  
799 ~~beginning of the school year for which a child is eligible for~~  
800 ~~admission to kindergarten in a public school under s.~~  
801 ~~1003.21(1)(a)2. or who are eligible for any federal subsidized~~  
802 ~~child care program.~~

803 (a) Each early learning coalition shall give priority for  
804 participation in the school readiness program as follows:

805 1.(a) Priority shall be given first to a child younger  
806 than 13 years of age from a working family that includes ~~in~~  
807 ~~which there is~~ an adult receiving temporary cash assistance who  
808 is subject to federal work requirements under chapter 414.

809 2.(b) Priority shall be given next to an at-risk a child  
810 younger than 9 years of age ~~who is eligible for a school~~  
811 ~~readiness program but who has not yet entered school, who is~~  
812 ~~served by the Family Safety Program Office of the Department of~~  
813 ~~Children and Family Services or a community-based lead agency~~  
814 ~~under chapter 39 or chapter 409, and for whom child care is~~  
815 ~~needed to minimize risk of further abuse, neglect, or~~  
816 ~~abandonment.~~

817 3. Priority shall be given next to:

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818 a. A child younger than 6 years of age from a working  
819 family that is economically disadvantaged, including being a  
820 child of a working migratory family. However, the child ceases  
821 to be eligible if his or her family income exceeds 200 percent  
822 of the federal poverty level; or

823 b. A child who has special needs, is younger than 6 years  
824 of age, has been determined eligible as a student with  
825 disabilities, and has a current family support plan or  
826 individual education plan.

827 4. Priority shall be given next to an at-risk child who is  
828 at least 9 years of age, but younger than 13 years of age. An  
829 at-risk child whose sibling is enrolled in the school readiness  
830 program within an eligibility priority category listed in  
831 subparagraphs 1.-3. shall be given priority over other children  
832 who are eligible under this subparagraph.

833 5. Priority shall be given next to a child who is at least  
834 6 years of age, but younger than 13 years of age, and who is a  
835 sibling of a child enrolled in the school readiness program  
836 within the eligibility priority category listed in sub-  
837 subparagraph 3.a.

838 6. Notwithstanding subparagraphs 1.-5., priority shall be  
839 given last to a child who otherwise meets one of the eligibility  
840 criteria in subparagraphs 1.-5. but who is also enrolled  
841 concurrently in the federal Head Start Program and the Voluntary  
842 Prekindergarten Education Program.

843 (b) A school readiness provider may be paid only for  
844 authorized hours of care provided for a child in the school  
845 readiness program. A child enrolled in the Voluntary

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846 Prekindergarten Education Program may receive care from the  
847 school readiness program if the child is eligible according to  
848 the eligibility priorities in paragraph (a).

849 (c) A coalition shall enroll all eligible children,  
850 including those from its waiting list, according to the  
851 eligibility priorities provided in paragraph (a).

852 (d) The parent of a child enrolled in the school readiness  
853 program must notify the coalition or its designee within 10 days  
854 after any change in employment, income, or family size. Upon  
855 notification by the parent, the child's eligibility must be  
856 reevaluated.

857 (e) A child whose eligibility priority category requires  
858 the child to be from a working family ceases to be eligible for  
859 the school readiness program if a parent with whom the child  
860 resides does not reestablish employment within 30 days after  
861 becoming unemployed.

862 (f) Eligibility for each child must be reevaluated  
863 annually. Upon reevaluation, a child may not continue to receive  
864 school readiness services if he or she has ceased to be eligible  
865 under this subsection.

866 (g) If a coalition disenrolls children from the school  
867 readiness program, the coalition must disenroll the children in  
868 reverse order of the eligibility priorities listed in paragraph  
869 (a), beginning with children from families with the highest  
870 family incomes. A notice of disenrollment must be sent to  
871 parents and school readiness providers at least 2 weeks before  
872 disenrollment to ensure adequate time for parents to arrange  
873 alternative care for their children. However, an at-risk child

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874 may not be disenrolled from the program without the written  
875 approval of the Family Safety Program Office of the Department  
876 of Children and Family Services or the community-based lead  
877 agency.

878 (h)1. If a child is absent for 5 consecutive days without  
879 contact from the parent, the school readiness provider shall  
880 report the absences to the early learning coalition for a  
881 determination of the need for continued care.

882 2. Notwithstanding s. 39.604, a school readiness provider,  
883 regardless of whether the provider is licensed, shall comply  
884 with the reporting requirements of the Rilya Wilson Act for each  
885 at-risk child enrolled in the school readiness program,  
886 regardless of the child's age or eligibility for protective  
887 services.

888 ~~(c) Subsequent priority shall be given to a child who~~  
889 ~~meets one or more of the following criteria:~~

890 ~~1. A child who is younger than the age of kindergarten~~  
891 ~~eligibility and:~~

892 ~~a. Is at risk of welfare dependency, including an~~  
893 ~~economically disadvantaged child, a child of a participant in~~  
894 ~~the welfare transition program, a child of a migratory~~  
895 ~~agricultural worker, or a child of a teen parent.~~

896 ~~b. Is a member of a working family that is economically~~  
897 ~~disadvantaged.~~

898 ~~e. For whom financial assistance is provided through the~~  
899 ~~Relative Caregiver Program under s. 39.5085.~~

900 ~~2. A 3-year-old child or 4-year-old child who may not be~~  
901 ~~economically disadvantaged but who has a disability; has been~~  
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902 ~~served in a specific part-time exceptional education program or~~  
903 ~~a combination of part-time exceptional education programs with~~  
904 ~~required special services, aids, or equipment; and was~~  
905 ~~previously reported for funding part-time under the Florida~~  
906 ~~Education Finance Program as an exceptional student.~~

907 ~~3. An economically disadvantaged child, a child with a~~  
908 ~~disability, or a child at risk of future school failure, from~~  
909 ~~birth to 4 years of age, who is served at home through a home~~  
910 ~~visitor program and an intensive parent education program.~~

911 ~~4. A child who meets federal and state eligibility~~  
912 ~~requirements for the migrant preschool program but who is not~~  
913 ~~economically disadvantaged.~~

914  
915 ~~As used in this paragraph, the term "economically disadvantaged"~~  
916 ~~means having a family income that does not exceed 150 percent of~~  
917 ~~the federal poverty level. Notwithstanding any change in a~~  
918 ~~family's economic status, but subject to additional family~~  
919 ~~contributions in accordance with the sliding fee scale, a child~~  
920 ~~who meets the eligibility requirements upon initial registration~~  
921 ~~for the program remains eligible until the beginning of the~~  
922 ~~school year for which the child is eligible for admission to~~  
923 ~~kindergarten in a public school under s. 1003.21(1)(a)2.~~

924 ~~(8)(7) PARENTAL CHOICE.-~~

925 (a) Parental choice of child care providers shall be  
926 established, to the maximum extent practicable, in accordance  
927 with 45 C.F.R. s. 98.30.

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928 (b) As used in this subsection, the term "payment  
929 certificate" means a child care certificate as defined in 45  
930 C.F.R. s. 98.2.

931 (c) The school readiness program shall, in accordance with  
932 45 C.F.R. s. 98.30, provide parental choice through a payment  
933 certificate that ensures, to the maximum extent possible,  
934 flexibility in the school readiness program and payment  
935 arrangements. The payment certificate must bear the names of the  
936 beneficiary and the program provider and, when redeemed, must  
937 bear the signatures of both the beneficiary and an authorized  
938 representative of the provider.

939 (d) If it is determined that a provider has given any cash  
940 to the beneficiary in return for receiving a payment  
941 certificate, the early learning coalition or its fiscal agent  
942 shall refer the matter to the Department of Financial Services  
943 pursuant to s. 414.411 for investigation.

944 (e) The office of the Chief Financial Officer shall  
945 establish an electronic transfer system for the disbursement of  
946 funds in accordance with this subsection. Each early learning  
947 coalition shall fully implement the electronic funds transfer  
948 system within 2 years after approval of the coalition's school  
949 readiness plan, unless a waiver is obtained from the Office of  
950 Early Learning.

951 (9)~~(8)~~ STANDARDS; OUTCOME MEASURES.—A program provider  
952 participating in the school readiness program must meet the  
953 performance standards and outcome measures adopted by the Office  
954 of Early Learning.

955 (10)~~(9)~~ FUNDING; SCHOOL READINESS PROGRAM.—

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956 (a) Funding for the school readiness program shall be  
957 allocated among the early learning coalitions in accordance with  
958 this section, s. 411.013, and the General Appropriations Act.

959 ~~(a) It is the intent of this section to establish an~~  
960 ~~integrated and quality seamless service delivery system for all~~  
961 ~~publicly funded early childhood education and child care~~  
962 ~~programs operating in this state.~~

963 (b)1. The Office of Early Learning shall administer school  
964 readiness funds, plans, and policies and shall prepare and  
965 submit a unified budget request for the school readiness system  
966 in accordance with chapter 216.

967 2. All instructions to early learning coalitions for  
968 administering this section shall emanate from the Office of  
969 Early Learning in accordance with the policies of the  
970 Legislature.

971 ~~(c) The Office of Early Learning, subject to legislative~~  
972 ~~notice and review under s. 216.177, shall establish a formula~~  
973 ~~for the allocation of all state and federal school readiness~~  
974 ~~funds provided for children participating in the school~~  
975 ~~readiness program, whether served by a public or private~~  
976 ~~provider, based upon equity for each county. The allocation~~  
977 ~~formula must be submitted to the Governor, the chair of the~~  
978 ~~Senate Ways and Means Committee or its successor, and the chair~~  
979 ~~of the House of Representatives Fiscal Council or its successor~~  
980 ~~no later than January 1 of each year. If the Legislature~~  
981 ~~specifies changes to the allocation formula, the Office of Early~~  
982 ~~Learning shall allocate funds as specified in the General~~  
983 ~~Appropriations Act.~~

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984 ~~(c)(d)~~ All state, federal, and required local maintenance-  
985 of-effort or matching funds provided to an early learning  
986 coalition for purposes of this section shall be used for  
987 implementation of its approved school readiness plan, including  
988 the hiring of staff to effectively operate the coalition's  
989 school readiness program. ~~As part of plan approval and periodic~~  
990 ~~plan review, the Office of Early Learning shall require that~~  
991 ~~administrative~~

992 (d) Costs shall be kept to the minimum necessary for the  
993 efficient and effective administration of the school readiness  
994 program. However, no more than 4 percent of the funds described  
995 in paragraph (c) may be used for administrative costs as  
996 described in subparagraph 1., and, except as otherwise specified  
997 in the General Appropriations Act, no more than 18 percent of  
998 the funds described in paragraph (c) may be used for any  
999 combination of the following administrative costs, quality  
1000 activities, and nondirect services:

1001 1. Administrative costs as described in 45 C.F.R. s.  
1002 98.52.

1003 2. Activities to improve the quality of child care as  
1004 described in 45 C.F.R. s. 98.51, which shall be limited to the  
1005 following:

1006 a. Developing, establishing, expanding, operating, and  
1007 coordinating resource and referral programs specifically related  
1008 to the provision of comprehensive consumer education to parents  
1009 and the public regarding participation in the school readiness  
1010 program.

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1011 b. Awarding grants to school readiness providers to assist  
1012 them in meeting applicable state requirements for child care  
1013 performance standards, implementing developmentally appropriate  
1014 curricula and related classroom resources that support  
1015 curricula, providing literacy supports, and providing  
1016 professional development.

1017 c. Providing training and technical assistance for school  
1018 readiness providers, staff, and parents on child performance  
1019 standards, child screenings, child assessments, developmentally  
1020 appropriate curricula, character development, teacher-child  
1021 interactions, age-appropriate discipline practices, health and  
1022 safety, nutrition, first aid, the recognition of communicable  
1023 diseases, and child abuse detection and prevention.

1024 d. Providing from among the funds provided for the  
1025 activities described in sub-subparagraphs a.-c. adequate funding  
1026 for infants and toddlers as necessary to meet federal  
1027 requirements related to expenditures for quality activities for  
1028 infant and toddler care.

1029 e. Monitoring providers using the standardized methodology  
1030 adopted under subparagraph (5)(d)12. to improve compliance with  
1031 state and federal regulations and law pursuant to the  
1032 requirements of the statewide provider contract adopted under  
1033 subparagraph (5)(d)11.

1034 f. Assisting the provider in implementing a preassessment  
1035 and postassessment approved by the Office of Early Learning.

1036 g. Responding to Warm-Line requests by providers and  
1037 parents related to school readiness children, including

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1038 providing developmental and health screenings to school  
1039 readiness children.

1040 3. Nondirect services as described in 63 Fed. Reg. 39962-  
1041 39963 (July 24, 1998) and applicable Office of Management and  
1042 Budget instructions required to administer the school readiness  
1043 program. As used in this paragraph, the term "nondirect  
1044 services" does not include payments to school readiness  
1045 providers for direct services provided to children who are  
1046 eligible under paragraph (7) (a), administrative costs as  
1047 described in subparagraph 1., or quality activities as described  
1048 in subparagraph 2. plan, but total administrative expenditures  
1049 must not exceed 5 percent unless specifically waived by the  
1050 Office of Early Learning. The Office of Early Learning shall  
1051 annually report to the Legislature any problems relating to  
1052 administrative costs.

1053 (e)1. A sliding fee scale percentage shall be provided in  
1054 the General Appropriations Act, which shall be the same for all  
1055 school readiness providers. A parent's copayment for the school  
1056 readiness program shall be determined by multiplying the sliding  
1057 fee scale percentage by the family income and adjusting for  
1058 family size.

1059 2. Each early learning coalition shall implement the  
1060 sliding fee scale as provided in the General Appropriations Act.  
1061 A coalition may, on a case-by-case basis, waive the copayment  
1062 for an at-risk child or temporarily waive the copayment for a  
1063 child whose family experiences a natural disaster or emergency  
1064 situation such as a household fire or burglary.

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1065 (f)1. An adjusted payment rate percentage shall be  
1066 provided in the General Appropriations Act, which shall be used  
1067 to determine annual payment rates for school readiness  
1068 providers. The annual payment rates for each type of school  
1069 readiness provider and level of care shall be calculated by:

1070 a. Multiplying the prevailing market rate for the  
1071 respective type of school readiness provider and level of care  
1072 by the adjusted payment rate percentage;

1073 b. Adjusting the product of sub-subparagraph a. by the  
1074 district cost differential as provided in s. 1011.62(2) for the  
1075 county in which the school readiness provider is located; and

1076 c. If the school readiness provider has the Gold Seal  
1077 Quality Care designation under s. 402.281, multiplying the  
1078 product of sub-subparagraph b. by the Gold Seal premium  
1079 percentage provided in the General Appropriations Act.

1080 2. A school readiness provider's total payment for a child  
1081 shall be equal to the payment rate calculated under subparagraph  
1082 1. less the amount of the parent's copayment as determined under  
1083 paragraph (e). However, payments made to the school readiness  
1084 provider may not exceed the provider's charges to the general  
1085 public for the same services.

1086 (g) The Office of Early Learning may increase or decrease  
1087 the adjusted payment rate percentage for a specific geographic  
1088 area in order to ensure that care levels are available  
1089 throughout the state. Any increase in an adjusted payment rate  
1090 percentage must be funded through the current year's  
1091 appropriation.

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1092 ~~(c) The Office of Early Learning shall annually~~  
1093 ~~distribute, to a maximum extent practicable, all eligible funds~~  
1094 ~~provided under this section as block grants to the early~~  
1095 ~~learning coalitions in accordance with the terms and conditions~~  
1096 ~~specified by the office.~~

1097 ~~(h)(f)~~ State funds appropriated for the school readiness  
1098 program may not be used for the construction of new facilities  
1099 or the purchase of buses.

1100 ~~(i)(g)~~ All cost savings and all revenues received through  
1101 a mandatory sliding fee scale shall be used to help fund each  
1102 early learning coalition's school readiness program.

1103 ~~(10) CONFLICTING PROVISIONS. If a conflict exists between~~  
1104 ~~this section and federal requirements, the federal requirements~~  
1105 ~~control.~~

1106 (11) SUBSTITUTE INSTRUCTORS.—Each school district shall  
1107 make a list of all individuals currently eligible to act as a  
1108 substitute teacher within the county pursuant to the rules  
1109 adopted by the school district pursuant to s. 1012.35 available  
1110 to an early learning coalition serving students within the  
1111 school district. Child care facilities, as defined by s.  
1112 402.302, may employ individuals listed as substitute instructors  
1113 for the purpose of offering the school readiness program, the  
1114 Voluntary Prekindergarten Education Program, and all other  
1115 legally operating child care programs.

1116 (12) INVESTIGATIONS OF FRAUD OR OVERPAYMENT; PENALTIES.—

1117 (a) As used in this subsection, the term "fraud" means an  
1118 intentional deception or misrepresentation made by a person with  
1119 knowledge that the deception or misrepresentation may result in

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1120 unauthorized benefit to that person or another person. The term  
1121 includes any act that constitutes fraud under applicable federal  
1122 or state law.

1123 (b) To recover state, federal, and local matching funds,  
1124 the inspector general of the Office of Early Learning shall  
1125 investigate coalitions, recipients, and providers of the school  
1126 readiness program and the Voluntary Prekindergarten Education  
1127 Program to determine possible fraud or overpayment. If by its  
1128 own inquiries, or as a result of a complaint, the office has  
1129 reason to believe that a person has engaged in, or is engaging  
1130 in, a fraudulent act, it shall investigate and determine whether  
1131 any overpayment has occurred due to the fraudulent act. During  
1132 the investigation, the office may examine all records, including  
1133 electronic benefits transfer records, and make inquiry of all  
1134 persons who may have knowledge as to any irregularity incidental  
1135 to the disbursement of public moneys or other items or benefits  
1136 authorizations to recipients.

1137 (c) If the inspector general determines that an  
1138 overpayment has occurred due to a fraudulent act, the parent or  
1139 provider is responsible for repayment and restitution of any  
1140 costs associated with the fraud, and the office shall pursue  
1141 collection through any legal means. A provider or parent may not  
1142 participate in the program until the repayment is made in full.  
1143 Any provider that shares an officer or director with a provider  
1144 that is ineligible to participate under this subsection will not  
1145 be permitted to participate until repayment is made in full.

1146 (d) Based on the results of the investigation, the  
1147 inspector general may, in his or her discretion, refer the

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1148 investigation to the Department of Law Enforcement for criminal  
1149 prosecution, seek civil enforcement, or refer the matter to the  
1150 applicable coalition. Any suspected criminal violation  
1151 identified by the inspector general must be referred to the  
1152 Department of Legal Affairs for investigation.

1153 (e) If a school readiness provider, after investigation  
1154 and adjudication by a court of competent jurisdiction, is  
1155 convicted of fraudulently misrepresenting enrollment or  
1156 attendance related to the school readiness program or the  
1157 Voluntary Prekindergarten Education Program, the coalition shall  
1158 permanently refrain from contracting with, or using the services  
1159 of, that provider. In addition, the coalition shall permanently  
1160 refrain from contracting with, or using the services of, any  
1161 provider that shares an officer or director with a provider that  
1162 is convicted of fraudulently misrepresenting enrollment or  
1163 attendance related to the school readiness program or the  
1164 Voluntary Prekindergarten Education Program.

1165 (f) If the investigation is not confidential or otherwise  
1166 exempt from disclosure by law, the results of the investigation  
1167 may be reported by the Office of Early Learning to the  
1168 appropriate legislative committees, the Department of Education,  
1169 the Department of Children and Family Services, and such other  
1170 persons as the office deems appropriate.

1171 (g) A person who commits an act of fraud as defined in  
1172 this subsection is subject to the penalties provided in s.  
1173 414.39(5) (a) and (b).

1174 Section 2. Effective upon this act becoming a law, section  
1175 411.013, Florida Statutes, is created to read:

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Amendment No.

1176 411.013 School Readiness Allocation Conference; allocation  
1177 formula for school readiness program funds.-

1178 (1) There is created the School Readiness Allocation  
1179 Conference. Conference principals shall include professional  
1180 staff of the Office of Early Learning, the Executive Office of  
1181 the Governor, and the appropriations committees of the Senate  
1182 and House of Representatives.

1183 (2) (a) By May 31, 2012, and by January 1 of each year  
1184 thereafter, the Office of Early Learning shall submit to the  
1185 School Readiness Allocation Conference a recommended formula for  
1186 the allocation among the early learning coalitions of the school  
1187 readiness program funds provided in the General Appropriations  
1188 Act.

1189 (b) Before any distribution of school readiness program  
1190 funds, the School Readiness Allocation Conference shall meet to  
1191 review the recommended allocation formula submitted by the  
1192 Office of Early Learning. The conference principals shall  
1193 discuss and agree to all conventions and methods of computation  
1194 used to calculate the allocation formula for the fiscal year for  
1195 which the appropriation is made. These conventions and  
1196 calculation methods shall remain in effect until further  
1197 agreements are reached in subsequent conferences called by any  
1198 conference principal for that purpose.

1199 (c) Each fiscal quarter, the Office of Early Learning  
1200 shall recalculate the allocations for the early learning  
1201 coalitions using the agreed methodology. The conference  
1202 principals, upon the request of any conference principal, shall  
1203 meet to review the quarterly calculation made by the Office of  
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1204 Early Learning. Before each recalculation of the allocation  
1205 formula, the Office of Early Learning shall provide the  
1206 conference principals with all data necessary to replicate the  
1207 allocation precisely. This data must include a matrix by  
1208 provider type of all eligible child count revisions made by the  
1209 Office of Early Learning as part of its administration of the  
1210 school readiness programs.

1211 (3) (a) Notwithstanding the provisions of s. 411.01(10) (e)  
1212 and (f) which require that the adjusted payment rate percentage,  
1213 sliding fee scale percentage, parent copayments, and Gold Seal  
1214 premium percentage be provided in the General Appropriations  
1215 Act, and for the 2012-2013 fiscal year only, the Office of Early  
1216 Learning shall, by May 31, 2012, submit recommendations to the  
1217 School Readiness Allocation Conference for the adjusted payment  
1218 rate percentage, sliding fee scale percentage, parent  
1219 copayments, and Gold Seal premium percentage.

1220 (b) The Office of Early Learning shall submit  
1221 recommendations to the School Readiness Allocation Conference  
1222 with options for a 3-year phase in of the revised allocation  
1223 formula. As part of the 3-year phase in, the Office of Early  
1224 Learning shall transition the Gold Seal premium percentage to 10  
1225 percent. For the first year of the transition, the Gold Seal  
1226 premium percentage shall be at least 10 percent but not more  
1227 than 18 percent. Once the 3-year phase in of the allocation  
1228 formula is complete, the Office of Early Learning shall submit  
1229 to the conference any recommended revisions to the allocation  
1230 formula with recommended factors by January 1 of each year.

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1231 Section 3. Paragraph (a) of subsection (8) of section  
1232 216.136, Florida Statutes, is amended to read:

1233 216.136 Consensus estimating conferences; duties and  
1234 principals.—

1235 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

1236 (a) The Early Learning Programs Estimating Conference  
1237 shall develop estimates and forecasts of the unduplicated count  
1238 of children eligible for school readiness programs in accordance  
1239 with the standards of eligibility established in s. 411.01(7)  
1240 ~~411.01(6)~~, and of children eligible for the Voluntary  
1241 Prekindergarten Education Program in accordance with s.  
1242 1002.53(2), as the conference determines are needed to support  
1243 the state planning, budgeting, and appropriations processes.

1244 Section 4. Subsection (1) and paragraph (a) of subsection  
1245 (3) of section 411.0101, Florida Statutes, are amended to read:

1246 411.0101 Child care and early childhood resource and  
1247 referral.—

1248 (1) As a part of the school readiness programs, the Office  
1249 of Early Learning shall establish a statewide child care  
1250 resource and referral network that is unbiased and provides  
1251 referrals to families for child care. Preference shall be given  
1252 to using the already established early learning coalitions as  
1253 the child care resource and referral agencies. If an early  
1254 learning coalition cannot comply with the requirements to offer  
1255 the resource information component or does not want to offer  
1256 that service, the early learning coalition shall select the  
1257 resource and referral agency for its county or multicounty

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1258 region based upon a request for proposal pursuant to s.

1259 411.01(6)(e) ~~411.01(5)(e)1~~.

1260 (3) Child care resource and referral agencies shall  
1261 provide the following services:

1262 (a) Identification of existing public and private child  
1263 care and early childhood education services, including child  
1264 care services by public and private employers, and the  
1265 development of a resource file of those services through the  
1266 single statewide information system developed by the Office of  
1267 Early Learning under s. 411.01(6)(c)1.e. ~~411.01(5)(e)1.e.~~ These  
1268 services may include family day care, public and private child  
1269 care programs, the Voluntary Prekindergarten Education Program,  
1270 Head Start, the school readiness program, special education  
1271 programs for prekindergarten children with disabilities,  
1272 services for children with developmental disabilities, full-time  
1273 and part-time programs, before-school and after-school programs,  
1274 vacation care programs, parent education, the Temporary Cash  
1275 Assistance Program, and related family support services. The  
1276 resource file shall include, but not be limited to:

- 1277 1. Type of program.
- 1278 2. Hours of service.
- 1279 3. Ages of children served.
- 1280 4. Number of children served.
- 1281 5. Significant program information.
- 1282 6. Fees and eligibility for services.
- 1283 7. Availability of transportation.

1284 Section 5. Section 411.01013, Florida Statutes, is amended  
1285 to read:

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Amendment No.

1286 411.01013 Prevailing market rate schedule.-

1287 (1) As used in this section, the terms ~~term~~:

1288 ~~(a) "market rate" and means the price that a child care~~  
1289 ~~provider charges for daily, weekly, or monthly child care~~  
1290 ~~services.~~

1291 ~~(b) "prevailing market rate" have the same meanings as~~  
1292 ~~provided in s. 411.01 means the annually determined 75th~~  
1293 ~~percentile of a reasonable frequency distribution of the market~~  
1294 ~~rate in a predetermined geographic market at which child care~~  
1295 ~~providers charge a person for child care services.~~

1296 (2) The Office of Early Learning shall establish  
1297 ~~procedures for the adoption of a prevailing market rate~~  
1298 ~~schedule. The schedule must include, at a minimum, county-by-~~  
1299 ~~county rates:~~

1300 ~~(a) At the prevailing market rate, plus the maximum rate,~~  
1301 ~~for child care providers that hold a Gold Seal Quality Care~~  
1302 ~~designation under s. 402.281.~~

1303 ~~(b) At the prevailing market rate for child care providers~~  
1304 ~~that do not hold a Gold Seal Quality Care designation.~~

1305 ~~(3) The prevailing market rate schedule, at a minimum,~~  
1306 ~~must:~~

1307 (a) Differentiate rates by type, including, but not  
1308 ~~limited to, a child care provider that holds a Gold Seal Quality~~  
1309 ~~Care designation under s. 402.281, a child care facility~~  
1310 ~~licensed under s. 402.305, a public or nonpublic school exempt~~  
1311 ~~from licensure under s. 402.3025, a faith-based child care~~  
1312 ~~facility exempt from licensure under s. 402.316 that does not~~  
1313 ~~hold a Gold Seal Quality Care designation, a large family child~~  
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1314 care home licensed under s. 402.3131, or a family day care home  
1315 licensed or registered under s. 402.313.

1316 (b) Differentiate rates by the type of child care services  
1317 provided for ~~children with special needs or risk categories,~~  
1318 infants, toddlers, preschool-age children, and school-age  
1319 children.

1320 (c) Differentiate rates between full-time and part-time  
1321 child care services.

1322 ~~(d) Consider discounted rates for child care services for~~  
1323 ~~multiple children in a single family.~~

1324 (3)~~(4)~~ The prevailing market rate schedule must be based  
1325 exclusively on the prices charged for child care services. If a  
1326 conflict exists between this subsection and federal  
1327 requirements, the federal requirements shall control.

1328 (4)~~(5)~~ Each child care and early childhood education  
1329 provider that receives school readiness funds must submit its  
1330 market rate by August 1 of each year to the Office of Early  
1331 Learning for inclusion in the calculation of the prevailing  
1332 market rate shall be considered by an early learning coalition  
1333 in the adoption of a payment schedule in accordance with s.  
1334 411.01(5)(e)2.

1335 (5)~~(6)~~ The Office of Early Learning may contract with one  
1336 or more qualified entities to administer this section and  
1337 provide support and technical assistance for child care  
1338 providers.

1339 (6)~~(7)~~ The Office of Early Learning may adopt rules  
1340 pursuant to ss. 120.536(1) and 120.54 for establishing  
1341 procedures for the collection of child care providers' market  
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1342 rate, the calculation of a reasonable frequency distribution of  
1343 the market rate, and the publication of a prevailing market rate  
1344 schedule.

1345 Section 6. Section 411.0106, Florida Statutes, is amended  
1346 to read:

1347 411.0106 Infants and toddlers in state-funded education  
1348 and care programs; brain development activities.—Each state-  
1349 funded education and care program for children from birth to 5  
1350 years of age must provide activities to foster brain development  
1351 in infants and toddlers. A program must provide an environment  
1352 that helps children attain the performance standards adopted by  
1353 the Office of Early Learning under s. 411.01(5)(d)8.

1354 ~~411.01(4)(d)8.~~ and must be rich in language and music and filled  
1355 with objects of various colors, shapes, textures, and sizes to  
1356 stimulate visual, tactile, auditory, and linguistic senses in  
1357 the children and must include classical music and at least 30  
1358 minutes of reading to the children each day. A program may be  
1359 offered through an existing early childhood program such as  
1360 Healthy Start, the Title I program, the school readiness  
1361 program, the Head Start program, or a private child care  
1362 program. A program must provide training for the infants' and  
1363 toddlers' parents including direct dialogue and interaction  
1364 between teachers and parents demonstrating the urgency of brain  
1365 development in the first year of a child's life. Family day care  
1366 centers are encouraged, but not required, to comply with this  
1367 section.

1368 Section 7. Paragraph (c) of subsection (1) of section  
1369 445.023, Florida Statutes, is amended to read:

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Amendment No.

1370 445.023 Program for dependent care for families with  
1371 children with special needs.-

1372 (1) There is created the program for dependent care for  
1373 families with children with special needs. This program is  
1374 intended to provide assistance to families with children who  
1375 meet the following requirements:

1376 (c) The family meets the income guidelines established  
1377 under s. 411.01(7) ~~411.01(6)~~, notwithstanding any financial  
1378 eligibility criteria to the contrary in s. 414.075, s. 414.085,  
1379 or s. 414.095.

1380 Section 8. Notwithstanding the changes made by this act to  
1381 the eligibility priorities for the school readiness program in  
1382 s. 411.01, Florida Statutes, an early learning coalition may not  
1383 disenroll a child who, upon the effective date of this act, is  
1384 enrolled in the school readiness program and receiving services  
1385 under the eligibility priorities in s. 411.01(6), Florida  
1386 Statutes 2011, until the child ceases to be eligible under those  
1387 priorities. An early learning coalition shall enroll all  
1388 eligible children, including those from its waiting list, in  
1389 accordance with the changes made by this act to the eligibility  
1390 priorities in s. 411.01, Florida Statutes.

1391 Section 9. Except as otherwise expressly provided in this  
1392 act and except for this section, which shall take effect upon  
1393 this act becoming a law, this act shall take effect July 1,  
1394 2012.

1396 -----  
1397 **T I T L E A M E N D M E N T**

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1398 Remove the entire title and insert:  
1399 A bill to be entitled  
1400 An act relating to school readiness programs; amending  
1401 s. 411.01, F.S.; defining terms for purposes of the  
1402 School Readiness Act; revising legislative intent  
1403 related to operation of school readiness programs;  
1404 revising the duties of the Office of Early Learning  
1405 for administration of school readiness programs;  
1406 providing for the preassessment and postassessment of  
1407 children enrolled in school readiness programs;  
1408 requiring early learning coalitions to annually  
1409 contract with school readiness providers using a  
1410 standardized statewide contract; authorizing the  
1411 Office of Early Learning to adopt rules; revising the  
1412 minimum number of children that each early learning  
1413 coalition must serve; revising provisions related to  
1414 the merger of coalitions; revising requirements for  
1415 compliance by school readiness providers with state  
1416 licensing requirements; revising provisions related to  
1417 school readiness plans adopted by early learning  
1418 coalitions; deleting provisions for the establishment  
1419 of payment rates and sliding fee scales by early  
1420 learning coalitions; revising procurement requirements  
1421 and requirements for the expenditure of funds by early  
1422 learning coalitions; revising the eligibility criteria  
1423 for the enrollment of children in the school readiness  
1424 program and the priorities by which children are  
1425 enrolled; providing procedures and notice requirements

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1426 for the disenrollment of children; providing reporting  
1427 requirements for children who are absent from the  
1428 program; providing for the allocation of school  
1429 readiness funds and deleting provisions for the  
1430 establishment of an allocation formula by the Office  
1431 of Early Learning; limiting expenditures for  
1432 administrative costs, quality activities, and  
1433 nondirect services; providing for the payment of  
1434 school readiness providers according to calculations  
1435 of payment rates and sliding fee scales as provided in  
1436 the General Appropriations Act; authorizing the Office  
1437 of Early Learning to modify payment rates in certain  
1438 geographic areas under certain circumstances; deleting  
1439 a provision related to the applicability of provisions  
1440 that conflict with federal requirements; defining the  
1441 term "fraud" for purposes of the school readiness  
1442 program; providing for investigations of fraud or  
1443 overpayment in the school readiness program; providing  
1444 for the repayment of identified overpayments; limiting  
1445 the participation of school readiness providers and  
1446 parents in the program until repayment is made in  
1447 full; providing penalties for acts of fraud;  
1448 conforming provisions; conforming cross-references;  
1449 creating s. 411.013, F.S.; creating the School  
1450 Readiness Allocation Conference; providing for  
1451 conference principals; requiring the Office of Early  
1452 Learning to submit recommendations to the conference  
1453 for an allocation formula for school readiness program

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1454 funds; providing for review of the formula and  
1455 agreement of the conference principals on conventions  
1456 and calculation methods for the formula; requiring the  
1457 Office of Early Learning to submit recommendations to  
1458 the conference for establishing provider payment rates  
1459 and parent copayments for a specified period;  
1460 providing for the phase in of the allocation formula  
1461 during a specified period; amending ss. 216.136 and  
1462 411.0101, F.S.; conforming cross-references; amending  
1463 s. 411.01013, F.S.; revising provisions for  
1464 calculation of the prevailing market rate schedule;  
1465 requiring school readiness providers to annually  
1466 submit their market rates by a specified date;  
1467 amending ss. 411.0106 and 445.023, F.S.; conforming  
1468 cross-references; prohibiting the disenrollment of  
1469 children enrolled in the school readiness program  
1470 before the effective date of this act under certain  
1471 circumstances; providing for applicability; providing  
1472 effective dates.

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