

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Ahern offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Chapter 431, Florida Statutes, consisting of
7 sections 431.01, 431.03, 431.05, 431.07, 431.09, 431.11, 431.13,
8 431.15, 431.17, 431.19, 431.23, and 431.41, is created to read:

9 CHAPTER 431

10 EARLY LEARNING

11 431.01 Short title; Intent; parental participation.

12 (1) This chapter may be cited as the "School Readiness
13 Act."

14 (2) (a) The Legislature recognizes that school readiness
15 programs increase children's chances of achieving future
16 educational success and becoming productive members of society.
17 It is the intent of the Legislature that the programs be
18 developmentally appropriate, research-based, involve the parent
19 as a child's first teacher, serve as preventive measures for

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20 children at risk of future school failure, enhance the
21 educational readiness of eligible children, and support family
22 education. Each school readiness program shall provide the
23 elements necessary to prepare at-risk children for school,
24 including health screening and referral and an appropriate
25 educational program.

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

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

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

45 (e) It is the intent of the Legislature that the school
46 readiness program coordinate and operate in conjunction with the
47 district school systems. However, it is also the intent of the

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48 Legislature that the school readiness program not be construed
49 as part of the system of free public schools but rather as a
50 separate program for children under the age of kindergarten
51 eligibility, funded separately from the system of free public
52 schools, utilizing a mandatory sliding fee scale, and providing
53 an integrated and seamless system of school readiness services
54 for the state's birth-to-kindergarten population.

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

61 (3) This section does not:

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

64 (b) Create any obligation to provide publicly funded
65 school readiness programs or services beyond those authorized by
66 the Legislature.

67 431.03 Definitions.—As used in this chapter, the term:

68 (1) "Adjusted payment rate percentage" means a specified
69 percentage provided in the General Appropriations Act that is
70 applied to the prevailing market rate for each type of school
71 readiness provider and level of care.

72 (2) "At-risk child" means:

73 (a) A child who is from a family that is under
74 investigation by the Department of Children and Family Services

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75 or a designated sheriff's office for child abuse, neglect,
76 abandonment, or exploitation.

77 (b) A child who is in a diversion program provided by the
78 Department of Children and Family Services or its contracted
79 provider and is from a family that is actively participating and
80 complying in department-prescribed activities, including
81 education, health services, or work.

82 (c) A child who is from a family that is under supervision
83 by the Department of Children and Family Services or a
84 contracted service provider for abuse, neglect, abandonment, or
85 exploitation.

86 (d) A child who is placed in court-ordered, long-term
87 custody or under the guardianship of a relative or nonrelative
88 after termination of supervision by the Department of Children
89 and Family Services or its contracted provider.

90 (3) "Authorized hours of care" means the hours of care
91 that are necessary to provide protection or complete work
92 activities or eligible educational activities, including
93 reasonable travel time.

94 (4) "Coalition" means an early learning coalition
95 established under s. 431.07.

96 (5) "Earned income" means gross remuneration derived from
97 work, professional service, or self-employment. The term
98 includes commissions, bonuses, back pay awards, and the cash
99 value of all remuneration paid in a medium other than cash.

100 (6) "Economically disadvantaged" means having a family
101 income that does not exceed 150 percent of the federal poverty
102 level.

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103 (7) "Family income" means the combined gross income,
104 whether earned or unearned, that is derived from any source by
105 all family or household members who are 18 years of age or older
106 and currently reside together in the same dwelling unit. The
107 term does not include income earned by a currently enrolled high
108 school student who, since attaining the age of 18 years, has not
109 terminated school enrollment or received a high school diploma,
110 high school equivalency diploma, special diploma, or certificate
111 of high school completion. The term also does not include food
112 stamp benefits or federal housing assistance payments issued
113 directly to a landlord or the associated utilities expenses.

114 (8) "Family or household members" means spouses, former
115 spouses, persons related by blood or marriage, persons who are
116 parents of a child in common regardless of whether they have
117 been married, and other persons who are currently residing
118 together in the same dwelling unit as if a family.

119 (9) "Fraud" means an intentional deception or
120 misrepresentation made by a person with knowledge that the
121 deception or misrepresentation may result in unauthorized
122 benefit to that person or another person. The term includes any
123 act that constitutes fraud under applicable federal or state
124 law.

125 (10) "Full-time care" means at least 6 hours, but not more
126 than 11 hours, of child care or early childhood education
127 services within a 24-hour period.

128 (11) "Gold Seal premium percentage" means a specified
129 percentage provided in the General Appropriations Act that, for
130 a school readiness provider that has the Gold Seal Quality Care

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131 designation under s. 402.281, is applied to the provider's
132 adjusted payment rate.

133 (12) "Informal child care provider" means, to the extent
134 authorized in the state's Child Care and Development Fund Plan
135 as approved by the United States Department of Health and Human
136 Services pursuant to 45 C.F.R. s. 98.18, an in-home child care
137 provider as defined in 45 C.F.R. s. 98.2 or a relative, such as
138 a grandparent, great grandparent, aunt, uncle, or sibling who
139 provides care for the child.

140 (13) "In loco parentis" means acting as a child's
141 temporary guardian.

142 (14) "Market rate" means the price that a child care or
143 early childhood education provider charges for full-time or
144 part-time daily, weekly, or monthly child care or early
145 childhood education services.

146 (15) "Office" means the Office of Early Learning of the
147 Department of Education established under s. 20.15(3)(h).

148 (16) "Parent" means a parent by blood, marriage, or
149 adoption; a legal guardian; or another person standing in loco
150 parentis.

151 (17) "Part-time care" means less than 6 hours of child
152 care or early childhood education services within a 24-hour
153 period.

154 (18) "Payment certificate" means a child care certificate
155 as defined in 45 C.F.R. s. 98.2.

156 (19) "Prevailing market rate" means the biennially
157 determined statewide median of the market rate for child care
158 and early childhood education services.

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159 (20) "Single point of entry" means an integrated
160 information system that allows a parent to enroll his or her
161 child in the school readiness program at various locations
162 throughout a county, that may allow a parent to enroll his or
163 her child by telephone or through an Internet website, and that
164 uses a unified waiting list to track eligible children waiting
165 for enrollment in the school readiness program.

166 (21) "Unearned income" means income other than earned
167 income. The term includes, but is not limited to:

168 (a) Documented alimony and child support received.

169 (b) Social security benefits.

170 (c) Supplemental security income benefits.

171 (d) Workers' compensation benefits.

172 (e) Unemployment compensation benefits.

173 (f) Veterans' benefits.

174 (g) Retirement benefits.

175 (h) Temporary cash assistance under chapter 414.

176 (i) Military housing assistance under the federal Family
177 Subsistence Supplemental Allowance Program.

178 (22) "Working family" means:

179 (a) A single-parent family in which the parent with whom
180 the child resides is employed or engaged in eligible education
181 activities for at least 20 hours per week;

182 (b) A two-parent family in which both parents with whom
183 the child resides are each employed or engaged in eligible
184 education activities for at least 20 hours per week; or

185 (c) A family in which the parents, as prescribed by rules
186 adopted by the office, are exempt from work requirements due to

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187 age or disability as determined and documented by a physician
188 licensed under chapter 458 or chapter 459.

189 431.05 Office of Early Learning; powers and duties.-

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

195 (2) The office shall:

196 (a) Administer the school readiness program at the state
197 level and coordinate with the early learning coalitions to
198 ensure the availability of school readiness services to support
199 the efforts of parents to work and be financially self-
200 sufficient and to enhance the quality of child care programs in
201 the state.

202 (b) Provide the school readiness services authorized in
203 this chapter in a manner that ensures the preservation of
204 parental choice by permitting parents to choose from a variety
205 of child care categories, including: center-based care; group
206 home child care; family child care; and in-home child care. Care
207 and curriculum by a sectarian provider may not be limited or
208 excluded in any of these categories.

209 (c) Be responsible for the prudent use of all public and
210 private funds in accordance with all legal and contractual
211 requirements, safeguarding the effective use of federal, state,
212 and local resources to achieve the highest practicable level of
213 school readiness for the children described in s. 431.13.

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214 (d) Maintain a single statewide information system that
215 each coalition must use for the purposes of managing the single
216 point of entry, tracking children's progress, coordinating
217 services among stakeholders, determining eligibility, tracking
218 child attendance, and streamlining administrative processes for
219 providers and coalitions.

220 (e) Ensure statewide access to school readiness services
221 throughout each county.

222 (f) Ensure that each coalition serves the minimum number
223 of children required in s. 431.07(1)(b) and that the maximum
224 number of coalitions is not exceeded.

225 (g) Approve school readiness plans annually.

226 (h) Monitor and evaluate the performance of each coalition
227 in administering the school readiness program, ensuring proper
228 payments for school readiness services, and implementing the
229 coalition's school readiness plan. These monitoring and
230 performance evaluations must include, at a minimum, onsite
231 monitoring of each coalition's finances, management, operations,
232 and programs.

233 (i) Monitor each coalition to ensure that additional
234 regulations or requirements are not placed upon school readiness
235 providers that exceed the authority provided under this chapter
236 or rules adopted pursuant to this chapter.

237 (j) Provide technical assistance to early learning
238 coalitions consistent with the purposes of this chapter to avoid
239 duplication of services.

240 (k) Ensure that all expenditures are properly allocated by
241 expenditure type, clearly accounting for indirect and direct

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242 expenditures, and ensuring that funds used to support staff and
243 salaries, contracts, and vendors are accounted for separate and
244 apart from other expenditures within each expenditure type.

245 (1) Coordinate with the Child Care Services Program Office
246 of the Department of Children and Family Services with respect
247 to health and safety monitoring, background screenings, and the
248 collection and maintenance of data pertaining to child care
249 training and credentialing.

250 (m) Coordinate with the Department of Economic Opportunity
251 to perform data matches on families participating in the school
252 readiness program and receiving unemployment compensation.

253 (3) The office has authority to administer this chapter,
254 including the power to receive and accept grants, loans, or
255 advances of funds from any public or private agency and to
256 receive and accept from any source contributions of money,
257 property, labor, or any other thing of value, to be held, used,
258 and applied for purposes of this chapter.

259 (4) The office must exercise due diligence in securing
260 full payment of all accounts receivable and other claims due to
261 the state and comply with procedures for collections under s.
262 17.20.

263 (5) The office shall prepare and submit a unified budget
264 request for the school readiness system in accordance with
265 chapter 216.

266 (6) The office shall adopt rules prescribing child
267 development standards for the physical health, approaches to
268 learning, social and emotional development, language and
269 communication, cognitive development, and general knowledge and

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270 motor development of children served in the school readiness
271 program. The child development standards must align with
272 performance standards adopted by the Department of Education for
273 the Voluntary Prekindergarten Education Program pursuant to s.
274 1002.67.

275 (7) The office shall implement a statewide preassessment
276 and postassessment aligned with the child development standards
277 adopted pursuant to subsection (6). The assessment shall be
278 implemented and used by school readiness providers to inform
279 classroom instruction. The assessment may not be used for
280 evaluating providers or for high-stakes accountability. The
281 office shall collect the results of the preassessments and
282 postassessments statewide to evaluate the effectiveness of the
283 school readiness program. At a minimum, a preassessment shall be
284 administered to each school readiness child that participates in
285 the program within the first 60 days after enrollment. By May 30
286 of each year, a postassessment shall be administered to each
287 school readiness child who participates in a provider's program
288 for at least the previous 6 months.

289 (8) The office shall adopt by rule a statewide standard
290 monitoring tool that will be used by coalitions to determine
291 provider compliance with meeting the requirements of s. 431.15.

292 (9) The office shall adopt a list of approved curricula
293 that meet the prescribed child developmental standards for the
294 school readiness program. In addition, the office shall adopt a
295 review process to determine if a provider's curriculum meets the
296 standards and is approved.

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297 (10) By January 1 of each year, the office shall submit an
298 annual report of its activities conducted under this chapter to
299 the Governor, the President of the Senate, and the Speaker of
300 the House of Representatives. The report must include a summary
301 of the coalitions' annual reports, a statewide summary, and the
302 following:

303 (a) An analysis of school readiness activities throughout
304 the state.

305 (b) The total and average number of children served in the
306 school readiness program, enumerated by age, eligibility
307 priority category, and coalition.

308 (c) A summary of expenditures by coalition, including a
309 breakdown by coalition of the percentage of expenditures for
310 administrative activities, quality activities, nondirect
311 services, and direct services for children.

312 (d) A description of the office's and each coalition's
313 expenditures for the quality activities described in s.
314 431.19(4)(b).

315 (e) A summary of annual findings and collections related
316 to provider fraud and parent fraud.

317 (f) Coalition scorecard performance data to measure the
318 success of the coalitions in implementing the early learning
319 programs.

320 (g) The total number of children disenrolled statewide and
321 the reason for disenrollment.

322 (h) The total number of provider contracts revoked and the
323 reasons for revocation.

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324 (i) The statewide results obtained through preassessments
325 and postassessments.

326 431.07 Early learning coalitions; coalition boards.-

327 (1)(a) A coalition is established upon the approval of the
328 coalition's school readiness plan by the Office of Early
329 Learning pursuant to s. 431.09.

330 (b) No more than 31 coalitions may be established, and
331 each coalition must serve at least 1,700 children, which shall
332 be calculated according to the average number of children served
333 per month in the school readiness program during the previous 12
334 months. Each coalition's service area shall comprise one or more
335 counties. If a coalition would serve fewer children than the
336 minimum number established in this paragraph, the coalition must
337 merge with another county to form a multicounty coalition.

338 (c) The office shall adopt rules prescribing procedures
339 for merging coalitions, including procedures for the
340 consolidation of merging coalitions, and for the early
341 termination of the terms of coalition board members, which are
342 necessary to accomplish the mergers.

343 (2) Each coalition shall be governed by a coalition board
344 composed of at least 15 members but not more than 30 members:

345 (a) The Governor shall appoint the chair and at least two
346 additional members who must each be private sector business
347 members and meet the qualifications in paragraph (d).

348 (b) The coalition board shall include the following public
349 sector members:

350 1. The Department of Children and Family Services circuit
351 administrator or his or her designee who is authorized by the

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352 Secretary of Children and Family Services to make decisions on
353 behalf of the department or, if applicable, the head of a local
354 licensing agency approved under ss. 402.306 and 402.307 or his
355 or her designee. If the coalition's service area includes
356 multiple circuits or counties and in the event of a local
357 conflict, the Governor shall make the appointment from one of
358 the circuits or counties.

359 2. A district superintendent of schools or his or her
360 designee who is authorized by the district school board to make
361 decisions on behalf of the district. If the coalition's service
362 area includes multiple school districts and in the event of a
363 local conflict, the Governor shall, from term to term, rotate
364 the appointment among each of the districts.

365 3. A regional workforce board executive director or his or
366 her designee. If the coalition's service area includes multiple
367 regional workforce board service delivery areas and in the event
368 of a local conflict, the Governor shall make the appointment
369 from one of the regional workforce boards.

370 4. A county health department director or his or her
371 designee. If the coalition's service area includes multiple
372 counties and in the event of a local conflict, the Governor
373 shall make the appointment from one of the counties.

374 5. If the coalition's service area includes a Florida
375 College System institution, the college president or his or her
376 designee. If the coalition's service area includes multiple
377 Florida College System institutions and in the event of a local
378 conflict, the Governor shall make the appointment from one of
379 the institutions.

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380 6. One member appointed by a board of county
381 commissioners. If the coalition's service area includes multiple
382 counties and in the event of a local conflict, the Governor
383 shall determine which county shall make the appointment.

384 7. If the coalition's service area includes a
385 municipality, one member appointed by the governing board of the
386 municipality. If the coalition's service area includes multiple
387 municipalities and in the event of a local conflict, the
388 Governor shall determine which municipality shall make the
389 appointment.

390 8. If the coalition's service area includes a federal Head
391 Start program, the Head Start director. If the coalition's
392 service area includes multiple Head Start programs and in the
393 event of a local conflict, the Governor shall make the
394 appointment from one of the programs.

395 9. A representative of programs for children with
396 disabilities under the federal Individuals with Disabilities
397 Education Act.

398 10. A children's services council or juvenile welfare
399 board chair or executive director, if applicable.

400 (c) The following members shall be selected by providers:

401 1. A representative of private for-profit child care
402 providers, including private for-profit family day care homes,
403 who shall be selected by majority vote of such providers located
404 in the coalition's service area.

405 2. A representative of faith-based child care providers
406 who shall be selected by majority vote of such providers located
407 in the coalition's service area.

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408 (d) At least one-third of the members of each coalition
409 board must be private sector business members who do not have,
410 and none of whose relatives as defined in s. 112.3143 has, a
411 substantial financial interest in the design or delivery of the
412 Voluntary Prekindergarten Education Program created under part V
413 of chapter 1002 or the school readiness program. The coalition
414 board shall appoint additional members to the early learning
415 coalition in order to meet the requirements of this paragraph.
416 Private sector board members serve at the pleasure of the
417 Governor.

418 (e) A coalition serving more than one county must include
419 representation from each county.

420 (3) (a) A majority of the voting membership of a coalition
421 board constitutes a quorum required to conduct the business of
422 the coalition. A coalition board may use any method of
423 telecommunications to conduct meetings, including establishing a
424 quorum through telecommunications, provided that the public is
425 given proper notice of a telecommunications meeting and
426 reasonable access to observe and, when appropriate, participate.

427 (b) Except as otherwise provided in subsection (2), a
428 member of a coalition board may not appoint a designee to act in
429 his or her place. A member may send a representative to
430 coalition board meetings, but that representative does not have
431 voting privileges. When a member appoints a designee under
432 subsection (2), the designee serves at the pleasure of the
433 designating official. Unless the designee is removed by the
434 designating official, the designee is the voting member of the
435 coalition board, and any individual attending in the designee's

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436 place, including the designating official, does not have voting
437 privileges.

438 (c) Each member of a coalition board is subject to ss.
439 112.313, 112.3135, and 112.3143. For purposes of s.
440 112.3143(3) (a), each member is a local public officer who must
441 abstain from voting when a voting conflict exists.

442 (d) For purposes of tort liability, each coalition board
443 member and employee is governed by s. 768.28.

444 (4) Each coalition board shall establish terms for all
445 appointed members of the board. The terms of members must be
446 staggered and must be a uniform length that does not exceed 4
447 years per term. Members appointed under paragraph (2) (a),
448 subparagraphs (2) (b) 6.-9., or paragraphs (2) (c) or (d) may serve
449 a maximum of 8 consecutive years, not including any unexpired
450 term for which the member was originally appointed. When a
451 vacancy occurs in an appointed position, the coalition must
452 advertise the vacancy, and notify the appointing authority.

453 (5) Each coalition board member who is not otherwise
454 required to file financial disclosure pursuant to s. 8, Art. II
455 of the State Constitution or s. 112.3144 shall file a disclosure
456 of financial interest pursuant to s. 112.3145. A coalition's
457 executive director or other person designated as being
458 responsible for the coalition's operational and administrative
459 functions who is not otherwise required to file financial
460 disclosure pursuant to s. 8, Art. II of the State Constitution
461 or s. 112.3144 shall file disclosure of financial interests
462 pursuant to s. 112.3145.

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463 (6) The Governor may, for cause, remove any coalition
464 board member or executive director. As used in this subsection,
465 the term "cause" includes engaging in fraud or other criminal
466 acts, incapacity, unfitness, neglect of duty, and official
467 incompetence and irresponsibility justifying removal in the
468 public interest.

469 (7) State, federal, and local maintenance-of-effort and
470 matching funds provided to the early learning coalitions may not
471 be used directly or indirectly to pay for meals, food, or
472 beverages for coalition board members or employees. Preapproved,
473 reasonable, and necessary per diem allowances and travel
474 expenses may be reimbursed. Such reimbursement shall be at the
475 standard travel reimbursement rates established in s. 112.061
476 and must comply with all applicable federal and state
477 requirements.

478 (8) The office may contract with a qualified entity to
479 administer the school readiness program or Voluntary
480 Prekindergarten Education Program in the coalition's service
481 area under the programmatic and fiscal requirements established
482 by law or rule for coalitions if:

483 (a) The coalition serves fewer children than the minimum
484 number required in paragraph (1) (b) and does not merge on its
485 own;

486 (b) The office determines through monitoring and
487 performance evaluations that a coalition has not administered
488 its school readiness plan or the Voluntary Prekindergarten
489 Education Program in accordance with law or rule; or

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490 (c) The office determines through monitoring and
491 performance that a coalition has not met the legal requirements
492 of federal or state law to implement the school readiness
493 program or the Voluntary Prekindergarten Education Program.

494 (9) The office may determine whether any adverse findings
495 shall result in terminating a contract with a coalition.

496 (10) The office may shift school readiness funds from a
497 designated coalition to another qualified entity if, for any
498 reason, the contract with the coalition is terminated under
499 subsection (8).

500 431.09 School readiness plans; scorecard.-

501 (1) The Office of Early Learning shall adopt rules
502 prescribing the standardized format and required content of
503 school readiness plans as necessary for a coalition or other
504 qualified entity to administer the school readiness program as
505 provided in this section and s. 431.11.

506 (2) Each coalition must annually submit a school readiness
507 plan to the office before the expenditure of funds. A coalition
508 may not implement its school readiness plan until it receives
509 approval from the office. A coalition may not implement any
510 revision to its school readiness plan until the coalition
511 submits the revised plan to and receives approval from the
512 office. If the office rejects a plan or revision, the coalition
513 must continue to operate under its previously approved plan. The
514 plan must include:

515 (a) The coalition's business organization, which must
516 include the coalition's articles of incorporation and bylaws if
517 the coalition is organized as a corporation. If the coalition is

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518 not organized as a corporation or other business entity, the
519 plan must include the contract with a fiscal agent.

520 (b) A detailed budget that outlines estimated expenditures
521 for state, federal, and local maintenance-of-effort and matching
522 funds at the lowest level of detail available by other-cost-
523 accumulator code number; all estimated sources of revenue with
524 identifiable descriptions; a listing of full-time equivalent
525 positions; contracted subcontractor costs with related annual
526 gross salary amount or hourly rate of compensation; and a
527 capital improvements plan outlining existing fixed capital
528 outlay projects and proposed capital outlay projects that will
529 begin during the budget year.

530 (c) A detailed accounting, in the format prescribed by the
531 office, of all revenues and expenditures during the previous
532 state fiscal year. Revenue sources should be identifiable and
533 expenditures should be reported by three categories: state and
534 federal funds, local maintenance-of-effort and matching funds,
535 and Child Care Executive Partnership Program funds.

536 (d) A description of the quality activities as described
537 in s. 431.19(4)(b) and related expenditures used to meet the
538 minimum requirements in 45 C.F.R. s. 98.51 for expenditures to
539 improve the quality of child care. Quality activities shall be
540 described and include a summary of the activity, estimated
541 costs, and a timeline indicating when each activity will occur
542 and be completed.

543 (e) Updated policies and procedures, including those
544 governing procurement, maintenance of tangible personal

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545 property, maintenance of records, information technology
546 security and expenses, and disbursement controls.

547 (f) Documentation that the coalition has solicited and
548 considered comments regarding the proposed school readiness plan
549 from the local community.

550 (3) The coalition may periodically amend its plan as
551 necessary. An amended plan must be submitted to the office
552 before any expenditures for quality activities are incurred on
553 new direct activities.

554 (4) The office shall publish a copy of the standardized
555 format and required content of school readiness plans on its
556 Internet website and provide a copy of the format and content to
557 each early learning coalition.

558 (5) The office shall establish a scorecard to measure
559 coalition performance. In considering potential measures for the
560 scorecard, the office shall consider measures related to
561 provider satisfaction, parent satisfaction, payment processes,
562 fraud intervention, child attendance and stability, use of child
563 care resource and referral to support families, and school
564 readiness outcomes for children in the Voluntary Prekindergarten
565 Education Program upon entry into kindergarten. The office shall
566 request input from the coalitions, the Department of Education,
567 and school readiness providers before finalizing the scorecard
568 format and measures to be used. The scorecard shall be
569 implemented beginning July 1, 2013, and results of the scorecard
570 must be included in the office's annual report under s.
571 431.05(8).

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572 431.11 Early learning coalitions; powers and duties.—Each
573 early learning coalition shall:

574 (1) Administer the school readiness program at the county
575 or regional level in accordance with this chapter.

576 (2) Establish a unified waiting list to track eligible
577 children waiting for enrollment in the school readiness program.

578 (3) Establish a resource and referral network operating
579 under s. 431.25 to assist parents in making an informed choice
580 and to provide maximum parental choice of providers.

581 (4) Establish a regional Warm-Line under s. 431.29 as
582 directed by the office.

583 (5) Determine child eligibility pursuant to s. 431.13 and
584 provider eligibility pursuant to s. 431.15. Child eligibility
585 must be redetermined annually. A coalition must document the
586 reason why a child is no longer eligible for the school
587 readiness program according to the termination codes prescribed
588 by the office.

589 (6) Determine provider eligibility annually pursuant to s.
590 431.15.

591 (7) Ensure proper maintenance of records related to
592 eligibility and enrollment files, provider payments, coalition
593 staff background screenings, and other documents required for
594 the implementation of the school readiness program.

595 (8) Establish a records-retention requirement for sign-in
596 and sign-out sheets that is consistent with state and federal
597 law.

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598 (9) Follow the requirements established by the Chief
599 Financial Officer for the recording of real property and for the
600 periodic review of property for inventory purposes.

601 (10) Comply with federal procurement requirements and the
602 expenditure requirements of federal and state law and state
603 rules.

604 (11) Ensure that proper information technology security
605 controls are in place, including, but not limited to,
606 periodically reviewing the appropriateness of access privileges
607 assigned to users of certain systems; monitoring system hardware
608 performance and capacity-related issues; and ensuring
609 appropriate backup procedures and disaster recovery plans are in
610 place.

611 (12) Develop written policies, procedures, and standards
612 for monitoring vendor contracts, including, but not limited to,
613 provisions specifying the particular procedures that may be used
614 to evaluate contractor performance and the documentation that is
615 to be maintained to serve as a record of contractor performance.
616 This subsection does not apply to contracts with school
617 readiness providers.

618 (13) Monitor school readiness providers on an annual
619 basis, or in response to a parental complaint, to ensure that
620 the standards prescribed in ss. 431.15 and 431.17 are met using
621 a standard monitoring tool adopted by the Office of Early
622 Learning. Providers determined to be high risk by the
623 coalition, as demonstrated by substantial findings of violations
624 of federal law or the general or local laws of the state, shall
625 be monitored more frequently.

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626 (14) Monitor the provider's records, including child
627 eligibility and child attendance, to reduce the risk of fraud
628 and overpayment and to recover state, federal, and local funds.

629 (15) By October 1 of each year, submit an annual report to
630 the office. The report must include:

631 (a) Segregation of school readiness funds, Voluntary
632 Prekindergarten Education Program funds, and Child Care
633 Executive Partnership Program funds.

634 (b) Details of expenditures, including total expenditures
635 for administrative activities, quality activities, nondirect
636 services, and direct services for children.

637 (c) The total number of coalition staff and the related
638 expenditures for salaries and benefits.

639 (d) The number of children served in the school readiness
640 program, enumerated by age and eligibility priority category,
641 which shall be calculated using the number of children served
642 during the first week of every month, the average full-time
643 equivalent child participation throughout the month, and the
644 number of children served during the last week of the month.

645 (e) The total number of children disenrolled during the
646 year and the reasons for disenrollment.

647 (f) A listing of any school readiness providers, by type,
648 whose eligibility to deliver the school readiness program is
649 revoked, including a brief description of the state or federal
650 violation that resulted in the revocation.

651 431.13 School readiness program; eligibility and
652 enrollment.-

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653 (1) Effective July 1, 2012, or upon reevaluation of
654 eligibility for children currently served, whichever is later,
655 each coalition shall give priority for participation in the
656 school readiness program as follows:

657 (a) Priority shall be given first to a child younger than
658 13 years of age from a working family that includes an adult
659 receiving temporary cash assistance under chapter 414.

660 (b) Priority shall be given next to an at-risk child
661 younger than 9 years of age.

662 (c) Priority shall be given next to a child from birth to
663 the beginning of the school year for which the child is eligible
664 for admission to kindergarten in a public school under s.
665 1003.21(1)(a)2. from a working family that is economically
666 disadvantaged. However, the child ceases to be eligible if his
667 or her family income exceeds 200 percent of the federal poverty
668 level.

669 (d) Priority shall be given next to an at-risk child who
670 is at least 9 years of age, but younger than 13 years of age. An
671 at-risk child whose sibling is enrolled in the school readiness
672 program within an eligibility priority category listed in
673 paragraphs (a)-(c) shall be given priority over other children
674 who are eligible under this paragraph.

675 (e) Priority shall be given next to a child who is younger
676 than the age of 13 and who is a sibling of a child enrolled in
677 the school readiness program under paragraph (c).

678 (f) Priority shall be given next to a child who has
679 special needs, who is 3 through 5 years of age, who has been
680 determined eligible as a student with disabilities, and who has

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681 a current individual education plan with a Florida school
682 district.

683 (g) Notwithstanding paragraphs (a)-(d), priority shall be
684 given last to a child who otherwise meets one of the eligibility
685 criteria in paragraphs (a)-(d) but who is also enrolled
686 concurrently in the federal Head Start Program and the Voluntary
687 Prekindergarten Education Program.

688 (2) (a) Each parent enrolling a child in the school
689 readiness program must complete and submit an application to the
690 coalition through the single point of entry established under s.
691 431.05(2) (d).

692 (b) Each coalition shall coordinate with each school
693 district within the coalition's service area in the development
694 of procedures for enrolling children in the school readiness
695 program who are served by public schools.

696 (c) A coalition shall enroll all eligible children,
697 including those from its waiting list, according to the
698 eligibility priorities provided in subsection (1).

699 (3) A school readiness provider may be paid only for the
700 authorized hours of care provided for a child in the school
701 readiness program. A child enrolled in the Voluntary
702 Prekindergarten Education Program may receive part-time care
703 from the school readiness program if the child is eligible
704 according to the eligibility priorities provided in subsection
705 (1).

706 (4) The parent of a child enrolled in the school readiness
707 program must notify the coalition or its designee within 10 days
708 after any change in employment, income, or family size. Upon

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709 notification by the parent, the child's eligibility must be
710 reevaluated.

711 (5) A child from a working family ceases to be eligible
712 for the school readiness program if a parent with whom the child
713 resides does not reestablish employment within 30 days after
714 becoming unemployed.

715 (6) Eligibility for each child must be reevaluated
716 annually. Upon reevaluation, a child may not continue to receive
717 school readiness services if he or she has ceased to be eligible
718 under this section.

719 (7) If a coalition disenrolls children from the school
720 readiness program, the coalition must disenroll the children in
721 reverse order of the eligibility priorities listed in subsection
722 (1), beginning with children from families with the highest
723 family incomes. A notice of disenrollment must be sent to
724 parents and school readiness providers at least 2 weeks before
725 disenrollment to ensure adequate time for parents to arrange
726 alternative care for their children. However, an at-risk child
727 shall not be disenrolled from the program without written
728 approval from the Family Safety Program Office of the Department
729 of Children and Family Services or the community-based lead
730 agency.

731 (8) (a) If a child is absent for 5 consecutive days without
732 contact from a parent, the school readiness provider shall
733 report the absences to the coalition for a determination of the
734 need for continued care.

735 (b) Notwithstanding s. 39.604, a school readiness
736 provider, regardless of whether the provider is licensed, shall

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737 comply with the reporting requirements of the Rilya Wilson Act
738 for each at-risk child enrolled in the school readiness program,
739 regardless of the child's age or eligibility for protective
740 services.

741 431.15 School readiness provider standards; eligibility to
742 deliver school readiness program.-

743 (1) To be eligible to deliver the school readiness
744 program, a school readiness provider must:

745 (a) Be a child care facility licensed under s. 402.305,
746 family day care home licensed or registered under s. 402.313,
747 large family child care home licensed under s. 402.3131, public
748 school or nonpublic school exempt from licensure under s.
749 402.3025, faith-based child care provider exempt from licensure
750 under s. 402.316, before-school or after-school program
751 described in s. 402.305(1)(c), or an informal child care
752 provider, to the extent authorized in the state's Child Care and
753 Development Fund Plan as approved by the United States
754 Department of Health and Human Services pursuant to 45 C.F.R. s.
755 98.18.

756 (b) Enhance the age-appropriate progress of each child in
757 attaining the child development standards adopted by the office
758 under s. 431.05(6).

759 (c) Ensure the basic health and safety of its premises and
760 facilities and compliance with requirements for age-appropriate
761 immunizations of children enrolled in the school readiness
762 program. For a child care facility, large family child care
763 home, or licensed family day care home, compliance with s.
764 402.305, s. 402.3131, or s. 402.313 satisfies this requirement.

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765 For a public or nonpublic school, compliance with s. 402.3025 or
766 s. 1003.22 satisfies this requirement. A faith-based child care
767 provider exempt from licensure under s. 402.316 must meet or
768 exceed the requirements of s. 402.305, except for square
769 footage, as determined by an onsite inspection by an early
770 learning coalition. An informal child care provider, a
771 registered family day care home, or a before-school or after-
772 school program, must meet or exceed the requirements of s.
773 402.313.

774 (d) Implement a curriculum approved by the Office of Early
775 Learning that meets the child development standards.

776 (e) Provide child development screenings as determined
777 needed by the provider or as requested by the parent for any
778 child in the school readiness program. Screenings may be
779 performed on any school readiness child upon parental consent.

780 (f) Ensure the minimum standards associated with child
781 discipline under s. 402.3105(12) are met.

782 (g) Ensure before-school or after-school programs meet or
783 exceed the requirements of s. 402.305(5), (6), and (7).

784 (h) Execute the statewide provider agreement prescribed
785 under s. 431.17, except that:

786 1. An individual who owns or operates multiple providers
787 within a coalition's service area may execute a single agreement
788 on behalf of each provider.

789 2. A school district may execute a single agreement with
790 the coalition on behalf of all district schools delivering the
791 school readiness program.

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792 (2) If a school readiness provider fails or refuses to
793 comply with this chapter or any contractual obligation of the
794 statewide provider agreement under s. 431.17, the coalition or
795 the office may revoke the provider's eligibility to deliver the
796 school readiness program or receive state or federal funds under
797 this chapter.

798 (3) The office and the coalitions may not:

799 (a) Impose any requirement on a child care or early
800 childhood education provider that does not deliver services
801 under the school readiness program or receive state or federal
802 funds under this chapter; or

803 (b) Impose any requirement on a school readiness provider
804 that exceeds the authority provided under this chapter or rules
805 adopted pursuant to this chapter.

806 431.17 Statewide provider agreement.-

807 (1) (a) The Office of Early Learning shall adopt rules
808 prescribing the statewide provider agreement for the school
809 readiness program.

810 (b) A coalition must use the statewide provider agreement
811 to annually contract with each school readiness provider that
812 delivers the school readiness program within the coalition's
813 service area.

814 (c) The rules must prescribe the standardized uniform
815 format for the statewide provider agreement. A coalition may not
816 omit, supplement, or amend any provision of the statewide
817 provider agreement. In addition, a coalition may not insert or
818 append attachments, addenda, or exhibits to the statewide
819 provider agreement.

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- 820 (2) The statewide provider agreement must include:
- 821 (a) Child eligibility and enrollment procedures and
822 requirements under s. 431.13.
- 823 (b) Funding, payment, and expenditures for the school
824 readiness program under s. 431.19.
- 825 (c) Child development standards for the school readiness
826 program under s. 431.05(6).
- 827 (d) School readiness provider standards under s. 431.15.
- 828 (e) Requirements for the maintenance of records and data
829 and the confidentiality of such information.
- 830 (f) Requirements for notifications between the early
831 learning coalition, the school readiness provider, and the
832 parent, which may include, but are not limited to:
- 833 1. Changes to information submitted in the provider's
834 registration form.
- 835 2. A parent's withdrawal of his or her child from the
836 school readiness program or a provider's dismissal of a child.
- 837 3. Temporary closure of a school readiness provider's
838 facility and subsequent reopening of the facility.
- 839 (g) Procedures for the reporting and certification of
840 child attendance.
- 841 (h) Specific grounds for termination of the agreement for
842 failure to comply with federal or state law.
- 843 (i) Specific grounds for monitoring by the coalition of
844 providers determined to be high risk.
- 845 (j) Dispute resolution procedures, including a method for
846 a provider to seek guidance from the office on a dispute.

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847 (k) Provisions under which the school readiness provider
848 indemnifies the coalition from liability arising under the
849 agreement.

850 (3) (a) A coalition may not execute the statewide provider
851 agreement with a school readiness provider before the coalition
852 determines that the provider is eligible to deliver the school
853 readiness program under s. 431.15.

854 (b) A coalition shall make a copy of each fully executed
855 and dated agreement available to the office. The coalition shall
856 provide a copy of the executed agreement to the school readiness
857 provider or school district that executed the agreement. The
858 coalition shall also maintain the executed agreement in the
859 coalition's records.

860 (c) A school readiness provider may not deliver the school
861 readiness program until the statewide provider agreement is
862 fully executed.

863 (4) The office shall publish a copy of the statewide
864 provider agreement on its Internet website and provide a copy of
865 the agreement to each coalition.

866 431.19 School readiness program; funding.-

867 (1) Funding for the school readiness program shall be
868 allocated among the coalitions in accordance with this section
869 as provided in the General Appropriations Act.

870 (2) (a) The Office of Early Learning shall administer
871 school readiness funds and shall prepare and submit a unified
872 budget request for the school readiness system in accordance
873 with chapter 216.

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874 (b) All instructions to coalitions for administering this
875 chapter shall emanate from the office as provided by law.

876 (3) All state, federal, and required local maintenance-of-
877 effort and matching funds provided to a coalition for purposes
878 of this section shall be used for implementation of its approved
879 school readiness plan, including the hiring of staff to
880 effectively operate the coalition's school readiness program.

881 (4) Costs shall be kept to the minimum necessary for the
882 efficient and effective administration of the school readiness
883 program but, of the funds described in subsection (3) no more
884 than 18 percent may be used on administrative, quality and
885 nondirect activities, of which the total administrative
886 expenditures must not exceed 4 percent, as follows:

887 (a) Administrative activities as described in 45 C.F.R. s.
888 98.52.

889 (b) Activities to improve the quality of child care as
890 described in 45 C.F.R. s. 98.51, which shall be limited to the
891 following:

892 1. Developing, establishing, expanding, operating, and
893 coordinating resource and referral programs specifically related
894 to the provision of comprehensive consumer education to parents
895 and the public regarding participation in the school readiness
896 program.

897 2. Awarding grants to school readiness providers to assist
898 them in implementing developmentally appropriate curricula and
899 related classroom resources that support the curricula, literacy
900 supports, and professional development.

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901 3. Providing training and technical assistance to school
902 readiness providers, staff, and parents on child development
903 standards, child screenings, child assessments, developmentally
904 appropriate curricula, character development, teacher-child
905 interactions, age-appropriate discipline practices, health and
906 safety, nutrition, first aid, the recognition of communicable
907 diseases, and child abuse detection and prevention.

908 4. Providing from among the funds provided for the
909 activities described in subparagraphs 1.-3., adequate funding of
910 direct services for infants and toddlers as necessary to meet
911 federal requirements related to expenditures for quality
912 activities for infant and toddler care.

913 5. Assisting the provider to implement a preassessment and
914 postassessment approved by the office.

915 6. Responding to Warm-Line requests by providers related
916 to school readiness children, including providing developmental
917 and health screenings to school readiness children as requested
918 under s. 431.29.

919 (c) Nondirect service activities pursuant to Federal
920 Register, Volume 63 No. 142 pages 39962-39963 and applicable
921 Office of Management and Budget instructions required to
922 administer the school readiness program. As used in this
923 paragraph, the term "nondirect services" does not include
924 payments to school readiness providers for direct services
925 provided to eligible children pursuant to s. 431.15,
926 administrative activities described in paragraph (a), or quality
927 activities described in paragraph (b).

928

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929 The Office of Early Learning shall ensure that each coalition
930 meets the minimum quality expenditures required for the state to
931 continue receiving full federal funding.

932 (5) (a) A sliding fee scale percentage shall be provided in
933 the General Appropriations Act, which shall be the same for all
934 school readiness providers. A parent's copayment for the school
935 readiness program shall be determined by multiplying the sliding
936 fee scale percentage by the family income and adjusting for
937 family size.

938 (b) Each coalition shall implement the sliding fee scale
939 as provided in the General Appropriations Act. A coalition may,
940 on a case-by-case basis, waive the copayment for an at-risk
941 child or temporarily waive the copayment for a child whose
942 family experiences a natural disaster or emergency situation
943 such as a household fire or burglary.

944 (6) (a) An adjusted payment rate percentage shall be
945 provided in the General Appropriations Act, which shall be used
946 to determine annual payment rates for school readiness
947 providers. The annual payment rates for each type of school
948 readiness provider and level of care shall be calculated by:

949 1. Multiplying the prevailing market rate for the
950 respective type of school readiness provider and level of care
951 by the adjusted payment rate percentage;

952 2. Adjusting the product of subparagraph 1. by the
953 district cost differential as provided in s. 1011.62(2) for the
954 county in which the school readiness provider is located; and

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955 3. If the school readiness provider has the Gold Seal
956 Quality Care designation under s. 402.281, multiplying the
957 product of subparagraph 2. by the Gold Seal premium percentage.

958 (b) A school readiness provider's total payment for a
959 child shall be equal to the payment rate calculated under
960 paragraph (a) less the amount of the parent's copayment as
961 determined under subsection (5). However, payments made to the
962 school readiness provider may not exceed the provider's charges
963 to the general public for the same services.

964 (7) The office may increase the adjusted payment rate
965 percentage for a specific geographic area to ensure that care
966 levels are available throughout the state. Any increase in an
967 adjusted payment rate percentage must be funded through the
968 current year's appropriation and within each early learning
969 coalition's allocation for the affected geographic area.

970 (8) State funds appropriated for the school readiness
971 program may not be used for the construction of new facilities
972 or the purchase of buses.

973 (9) (a) The school readiness program, in accordance with 45
974 C.F.R. s. 98.30, shall provide parental choice through a payment
975 certificate that ensures, to the maximum extent possible,
976 flexibility in the school readiness program and payment
977 arrangements. The payment certificate must bear the names of the
978 beneficiary and the school readiness provider and, when
979 redeemed, must bear the signatures of both the beneficiary and
980 the provider's authorized representative.

981 (b) If it is determined that a school readiness provider
982 has given any cash to the beneficiary in return for receiving a

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983 payment certificate, the coalition or its fiscal agent shall
984 refer the matter to the Department of Financial Services
985 pursuant to s. 414.411 for investigation.

986 431.23 Fraudulent submission of false enrollment or
987 attendance information.-

988 (1) To recover state, federal, and local maintenance-of-
989 effort and matching funds, the inspector general of the Office
990 of Early Learning shall investigate coalitions, recipients, and
991 providers of the school readiness program and the Voluntary
992 Prekindergarten Education Program to determine possible fraud or
993 overpayment. If by its own inquiries, or as a result of a
994 complaint, the office has reason to believe that a person has
995 engaged in, or is engaging in a fraudulent act, it shall
996 investigate and determine whether any overpayment has occurred
997 due to the fraudulent act. During the investigation, the office
998 may examine all records, including electronic benefits transfer
999 records, and make inquiry of all persons who may have knowledge
1000 as to any irregularity incidental to the disbursement of public
1001 moneys or other items or benefit authorizations to recipients.

1002 (2) If the inspector general determines that an
1003 overpayment has occurred due to a fraudulent act, the parent or
1004 provider is responsible for repayment and restitution of any
1005 costs associated with the fraud, and the office shall pursue
1006 collection through any legal means. A provider or parent may not
1007 participate in the program until the repayment is made in full.
1008 Any provider that shares an officer or director with a provider
1009 that is ineligible to participate under this section is not
1010 permitted to participate until repayment is made in full.

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1011 (3) Based on the results of the investigation, the
1012 inspector general may, in his or her discretion, refer the
1013 investigation to the Department of Law Enforcement for criminal
1014 prosecution, seek civil enforcement, or refer the matter to the
1015 applicable coalition. Any suspected criminal violation
1016 identified by the inspector general must be referred to the
1017 Department of Legal Affairs for investigation.

1018 (4) If a school readiness provider, after investigation
1019 and adjudication by a court of competent jurisdiction, is
1020 convicted of fraudulently misrepresenting enrollment or
1021 attendance related to the school readiness program or the
1022 Voluntary Prekindergarten Education Program, the coalition shall
1023 permanently refrain from contracting with, or using the services
1024 of, that provider. In addition, the coalition shall permanently
1025 refrain from contracting with, or using the services of, any
1026 provider that shares an officer or director with a provider that
1027 is convicted of fraudulently misrepresenting enrollment or
1028 attendance related to the school readiness program or the
1029 Voluntary Prekindergarten Education Program.

1030 (5) If the investigation is not confidential or otherwise
1031 exempt from disclosure by law, the results of an investigation
1032 may be reported by the Office of Early Learning to the
1033 appropriate legislative committees, the Department of Education,
1034 the Department of Children and Family Services, and to such
1035 other persons as the office deems appropriate.

1036 (6) A person who commits an act of fraud as defined in s.
1037 431.03 is subject to the penalties provided in s. 414.39(5)(a)
1038 and (b).

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1039 431.41 Rulemaking.—In addition to the requirements of s.
1040 120.54, at least 30 days before publication in the Florida
1041 Administrative Weekly of notice of the proposed adoption,
1042 amendment, or repeal of any rule authorized by this chapter, the
1043 office must provide copies of the notice and the proposed rule
1044 to the President of the Senate and the Speaker of the House of
1045 Representatives.

1046 Section 2. Section 411.011, Florida Statutes, is
1047 transferred and renumbered as section 431.21, Florida Statutes,
1048 and subsection (1) and paragraph (g) of subsection (3) of that
1049 section are amended to read:

1050 431.21 ~~411.011~~ Records of children in the school readiness
1051 program programs.—

1052 (1) The individual records of children enrolled in the
1053 school readiness program programs provided under this chapter s.
1054 ~~411.01~~, held by an early learning coalition or the Office of
1055 Early Learning, are confidential and exempt from s. 119.07(1)
1056 and s. 24(a), Art. I of the State Constitution. For purposes of
1057 this section, records include assessment data, health data,
1058 records of teacher observations, and personal identifying
1059 information.

1060 (3) School readiness records may be released to:

1061 (g) Parties to an interagency agreement among early
1062 learning coalitions, local governmental agencies, school
1063 readiness providers ~~of school readiness programs~~, state
1064 agencies, and the Office of Early Learning for the purpose of
1065 implementing the school readiness program.
1066

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7119 (2012)

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1067 Agencies, organizations, or individuals that receive school
1068 readiness records in order to carry out their official functions
1069 must protect the data in a manner that does not permit the
1070 personal identification of a child enrolled in a school
1071 readiness program and his or her parents by persons other than
1072 those authorized to receive the records.

1073 Section 3. Section 411.0101, Florida Statutes, is
1074 transferred and renumbered as section 431.25, Florida Statutes,
1075 and subsection (1) and paragraph (a) of subsection (3) of that
1076 section are amended to read:

1077 431.25 ~~411.0101~~ Child care and early childhood resource
1078 and referral.-

1079 (1) As a part of the school readiness program ~~programs~~,
1080 the Office of Early Learning shall establish a statewide child
1081 care resource and referral network that is unbiased and provides
1082 referrals to families for child care. Preference shall be given
1083 to using the already established early learning coalitions as
1084 the child care resource and referral agencies. If an early
1085 learning coalition cannot comply with the requirements to offer
1086 the resource information component or does not want to offer
1087 that service, the early learning coalition shall select the
1088 resource and referral agency for its county or multicounty
1089 region based upon a request for proposal pursuant to s. 287.057
1090 ~~s. 411.01(5)(e)1~~.

1091 (3) Child care resource and referral agencies shall
1092 provide the following services:

1093 (a) Identification of existing public and private child
1094 care and early childhood education services, including child

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1095 care services by public and private employers, and the
1096 development of a resource file of those services through the
1097 single statewide information system developed by the Office of
1098 Early Learning under s. 431.05(2)(d) ~~s. 411.01(5)(e)~~^{1.e.} These
1099 services may include family day care, public and private child
1100 care programs, the Voluntary Prekindergarten Education Program,
1101 Head Start, the school readiness program, special education
1102 programs for prekindergarten children with disabilities,
1103 services for children with developmental disabilities, full-time
1104 and part-time programs, before-school and after-school programs,
1105 vacation care programs, parent education, the Temporary Cash
1106 Assistance Program, and related family support services. The
1107 resource file shall include, but not be limited to:

- 1108 1. Type of program.
- 1109 2. Hours of service.
- 1110 3. Ages of children served.
- 1111 4. Number of children served.
- 1112 5. Significant program information.
- 1113 6. Fees and eligibility for services.
- 1114 7. Availability of transportation.

1115 Section 4. Section 411.01013, Florida Statutes, is
1116 transferred, renumbered as section 431.27, Florida Statutes, and
1117 amended to read:

1118 431.27 ~~411.01013~~ Prevailing market rate schedule.—

1119 ~~(1) As used in this section, the term:~~

1120 ~~(a) "Market rate" means the price that a child care~~
1121 ~~provider charges for daily, weekly, or monthly child care~~
1122 ~~services.~~

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1123 ~~(b) "Prevailing market rate" means the annually determined~~
1124 ~~75th percentile of a reasonable frequency distribution of the~~
1125 ~~market rate in a predetermined geographic market at which child~~
1126 ~~care providers charge a person for child care services.~~

1127 ~~(1)(2) The Office of Early Learning shall establish~~
1128 ~~procedures for the adoption of a prevailing market rate~~
1129 ~~schedule. The schedule must include, at a minimum, county by~~
1130 ~~county rates:~~

1131 ~~(a) At the prevailing market rate, plus the maximum rate,~~
1132 ~~for child care providers that hold a Gold Seal Quality Care~~
1133 ~~designation under s. 402.281.~~

1134 ~~(b) At the prevailing market rate for child care providers~~
1135 ~~that do not hold a Gold Seal Quality Care designation.~~

1136 ~~(3) The prevailing market rate schedule, at a minimum,~~
1137 ~~must:~~

1138 (a) Differentiate rates by type, including, but not
1139 limited to, ~~a child care provider that holds a Gold Seal Quality~~
1140 ~~Care designation under s. 402.281, a child care facility~~
1141 ~~licensed under s. 402.305, a public or nonpublic school exempt~~
1142 ~~from licensure under s. 402.3025, a faith-based child care~~
1143 ~~facility exempt from licensure under s. 402.316 that does not~~
1144 ~~hold a Gold Seal Quality Care designation, a large family child~~
1145 ~~care home licensed under s. 402.3131, or a family day care home~~
1146 ~~licensed or registered under s. 402.313.~~

1147 (b) Differentiate rates by the type of child care services
1148 provided for children with special needs or risk categories,
1149 infants, toddlers, preschool-age children, and school-age
1150 children.

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1151 (c) Differentiate rates between full-time and part-time
1152 child care services.

1153 ~~(d) Consider discounted rates for child care services for~~
1154 ~~multiple children in a single family.~~

1155 (2)~~(4)~~ The prevailing market rate schedule must be based
1156 exclusively on the prices charged for child care services. If a
1157 conflict exists between this subsection and federal
1158 requirements, the federal requirements shall control.

1159 (3)~~(5)~~ Each child care and early childhood education
1160 provider that receives school readiness funds must submit its
1161 market rate by August 1 of each year to the office for inclusion
1162 in the calculation of the prevailing market rate shall be
1163 considered by an early learning coalition in the adoption of a
1164 payment schedule in accordance with s. 411.01(5)(e)2.

1165 (4)~~(6)~~ The office of ~~Early Learning~~ may contract with one
1166 or more qualified entities to administer this section and
1167 provide support and technical assistance for child care
1168 providers.

1169 (5)~~(7)~~ The office of ~~Early Learning~~ may adopt rules
1170 ~~pursuant to ss. 120.536(1) and 120.54 for~~ establishing
1171 procedures for the collection of child care providers' market
1172 rate, the calculation of a reasonable frequency distribution of
1173 the market rate, and the publication of a prevailing market rate
1174 schedule.

1175 Section 5. Section 411.01015, Florida Statutes, is
1176 transferred and renumbered as section 431.29, Florida Statutes,
1177 and subsection (3) of that section is amended to read:

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1178 431.29 ~~411.01015~~ Consultation to child care centers and
1179 family day care homes regarding health, developmental,
1180 disability, and special needs issues.-

1181 (3) The office ~~of Early Learning~~ shall annually inform
1182 child care centers and family day care homes of the availability
1183 of this service through the child care resource and referral
1184 network under s. 431.25 ~~s. 411.0101~~.

1185 Section 6. Section 411.0102, Florida Statutes, is
1186 transferred, renumbered as section 431.31, Florida Statutes, and
1187 amended to read:

1188 431.31 ~~411.0102~~ Child Care Executive Partnership Act;
1189 findings and intent; grant; limitation; rules.-

1190 ~~(1) This section may be cited as the "Child Care Executive~~
1191 ~~Partnership Act."~~

1192 (1) ~~(2)~~ (a) The Legislature finds that when private
1193 employers provide onsite child care or provide other child care
1194 benefits, they benefit by improved recruitment and higher
1195 retention rates for employees, lower absenteeism, and improved
1196 employee morale. The Legislature also finds that there are many
1197 ways in which private employers can provide child care
1198 assistance to employees: information and referral, vouchering,
1199 employer contribution to child care programs, and onsite care.
1200 Private employers can offer child care as part of a menu of
1201 employee benefits. The Legislature recognizes that flexible
1202 compensation programs providing a child care option are
1203 beneficial to the private employer through increased
1204 productivity, to the private employee in knowing that his or her
1205 children are being cared for in a safe and nurturing

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1206 environment, and to the state in more dollars being available
1207 for purchasing power and investment.

1208 (b) It is the intent of the Legislature to promote public-
1209 private ~~public/private~~ partnerships to ensure that the children
1210 of the state be provided safe and enriching child care at any
1211 time, but especially while parents work to remain self-
1212 sufficient. It is the intent of the Legislature that private
1213 employers be encouraged to participate in the future of this
1214 state by providing employee child care benefits. Further, it is
1215 the intent of the Legislature to encourage private employers to
1216 explore innovative ways to assist employees to obtain quality
1217 child care.

1218 (c) The Legislature further recognizes that many parents
1219 need assistance in paying the full costs of quality child care.
1220 The public and private sectors, by working in partnership, can
1221 promote and improve access to quality child care and early
1222 education for children of working families who need it.
1223 Therefore, a more formal mechanism is necessary to stimulate the
1224 establishment of public-private partnerships. It is the intent
1225 of the Legislature to expand the availability of scholarship
1226 options for working families by providing incentives for
1227 employers to contribute to meeting the needs of their employees'
1228 families through matching public dollars available for child
1229 care.

1230 (2) (a) (3) The office ~~There is created a body politic and~~
1231 ~~corporate known as the Child Care Executive Partnership which~~
1232 shall ~~establish and~~ govern the Child Care Executive Partnership
1233 Program. The purpose of the Child Care Executive Partnership

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1234 Program is to utilize state and federal funds as incentives for
1235 matching local funds derived from local governments, employers,
1236 charitable foundations, and other sources so that Florida
1237 communities may create local flexible partnerships with
1238 employers. The Child Care Executive Partnership Program funds
1239 shall be used at the discretion of local communities to meet the
1240 needs of working parents. A child care purchasing pool shall be
1241 developed with the state, federal, and local funds to provide
1242 subsidies to low-income working parents whose family income does
1243 not exceed the allowable income for any federally subsidized
1244 child care program with a dollar-for-dollar match from
1245 employers, local government, and other matching contributions.
1246 The funds used from the child care purchasing pool must be used
1247 to supplement or extend the use of existing public or private
1248 funds.

1249 ~~(4) The Child Care Executive Partnership, staffed by the~~
1250 ~~Office of Early Learning, shall consist of a representative of~~
1251 ~~the Executive Office of the Governor and nine members of the~~
1252 ~~corporate or child care community, appointed by the Governor.~~

1253 ~~(a) Members shall serve for a period of 4 years, except~~
1254 ~~that the representative of the Executive Office of the Governor~~
1255 ~~shall serve at the pleasure of the Governor.~~

1256 ~~(b) The Child Care Executive Partnership shall be chaired~~
1257 ~~by a member chosen by a majority vote and shall meet at least~~
1258 ~~quarterly and at other times upon the call of the chair. The~~
1259 ~~Child Care Executive Partnership may use any method of~~
1260 ~~telecommunications to conduct meetings, including establishing a~~
1261 ~~quorum through telecommunications, only if the public is given~~

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1262 ~~proper notice of a telecommunications meeting and reasonable~~
1263 ~~access to observe and, when appropriate, participate.~~

1264 ~~(c) Members shall serve without compensation, but may be~~
1265 ~~reimbursed for per diem and travel expenses in accordance with~~
1266 ~~s. 112.061.~~

1267 ~~(d) The Child Care Executive Partnership shall have all~~
1268 ~~the powers and authority, not explicitly prohibited by statute,~~
1269 ~~necessary to carry out and effectuate the purposes of this~~
1270 ~~section, as well as the functions, duties, and responsibilities~~
1271 ~~of the partnership, including, but not limited to, the~~
1272 ~~following:~~

1273 ~~1. Assisting in the formulation and coordination of the~~
1274 ~~state's child care policy.~~

1275 ~~2. Adopting an official seal.~~

1276 ~~3. Soliciting, accepting, receiving, investing, and~~
1277 ~~expending funds from public or private sources.~~

1278 ~~4. Contracting with public or private entities as~~
1279 ~~necessary.~~

1280 ~~5. Approving an annual budget.~~

1281 ~~6. Carrying forward any unexpended state appropriations~~
1282 ~~into succeeding fiscal years.~~

1283 ~~7. Providing a report to the Governor, the Speaker of the~~
1284 ~~House of Representatives, and the President of the Senate, on or~~
1285 ~~before December 1 of each year.~~

1286 ~~(5) (a) The Legislature shall annually determine the amount~~
1287 ~~of state or federal low-income child care moneys which shall be~~
1288 ~~used to create Child Care Executive Partnership Program child~~
1289 ~~care purchasing pools in counties chosen by the Child Care~~

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1290 ~~Executive Partnership, provided that at least two of the~~
1291 ~~counties have populations of no more than 300,000. The~~
1292 ~~Legislature shall annually review the effectiveness of the child~~
1293 ~~care purchasing pool program and reevaluate the percentage of~~
1294 ~~additional state or federal funds, if any, which can be used for~~
1295 ~~the program's expansion.~~

1296 (b) To ensure a seamless service delivery and ease of
1297 access for families, an early learning coalition or the office
1298 ~~of Early Learning~~ shall administer the child care purchasing
1299 pool funds.

1300 (c) ~~The office of Early Learning, in conjunction with the~~
1301 ~~Child Care Executive Partnership,~~ shall adopt rules develop
1302 procedures for the disbursement of Child Care Executive
1303 Partnership Program funds ~~through the child care purchasing~~
1304 ~~pools~~. In order to be considered for funding, an early learning
1305 coalition or the office ~~of Early Learning~~ must commit to:

1306 1. Matching the state purchasing pool funds on a dollar-
1307 for-dollar basis; and

1308 2. Expending only those public funds that are matched by
1309 employers, local government, and other matching contributors who
1310 contribute to the purchasing pool. Parents shall also pay a fee,
1311 which may not be less than the amount identified in the ~~early~~
1312 ~~learning coalition's~~ school readiness program sliding fee scale.

1313 ~~(d) Each early learning coalition shall establish a~~
1314 ~~community child care task force for each child care purchasing~~
1315 ~~pool. The task force must be composed of employers, parents,~~
1316 ~~private child care providers, and one representative from the~~
1317 ~~local children's services council, if one exists in the area of~~

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1318 ~~the purchasing pool. The early learning coalition is expected to~~
1319 ~~recruit the task force members from existing child care~~
1320 ~~councils, commissions, or task forces already operating in the~~
1321 ~~area of a purchasing pool. A majority of the task force shall~~
1322 ~~consist of employers.~~

1323 ~~(d)(e)~~ Each participating ~~early learning~~ coalition board
1324 shall develop a plan for the use of child care purchasing pool
1325 funds. The plan must show how many children will be served by
1326 the purchasing pool, how many will be new to receiving child
1327 care services, and how the early learning coalition intends to
1328 attract new employers and their employees to the program.

1329 ~~(6) The Office of Early Learning shall adopt any rules~~
1330 ~~necessary for the implementation and administration of this~~
1331 ~~section.~~

1332 (3) Child Care Executive Partnership Program funds are
1333 subject to the funding requirements of s. 431.19.

1334 (4) The office shall report the activities and detailed
1335 expenditures related to the Child Care Executive Partnership
1336 Program in the annual report required under s. 431.05(8). Each
1337 coalition receiving Child Care Executive Partnership Program
1338 funds shall include a summary of related activities and detailed
1339 expenditures associated with this program in its annual report
1340 required under s. 431.11(15)(b).

1341 Section 7. Section 411.0103, Florida Statutes, is
1342 transferred and renumbered as section 431.33, Florida Statutes.

1343 Section 8. Section 411.0105, Florida Statutes, is
1344 transferred and renumbered as section 431.35, Florida Statutes.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7119 (2012)

Amendment No. 1

1345 Section 9. Section 411.0106, Florida Statutes, is
1346 transferred, renumbered as section 431.37, Florida Statutes, and
1347 amended to read:

1348 431.37 ~~411.0106~~ Infants and toddlers in state-funded
1349 education and care programs; brain development activities.—Each
1350 state-funded education and care program for children from birth
1351 to 5 years of age must provide activities to foster brain
1352 development in infants and toddlers. A program must provide an
1353 environment that helps children attain the child development
1354 ~~performance~~ standards adopted by the office of ~~Early Learning~~
1355 under s. 431.05(6) ~~s. 411.01(4)(d)8.~~ and must be rich in
1356 language and music and filled with objects of various colors,
1357 shapes, textures, and sizes to stimulate visual, tactile,
1358 auditory, and linguistic senses in the children and must include
1359 classical music and at least 30 minutes of reading to the
1360 children each day. A program may be offered through an existing
1361 early childhood program such as Healthy Start, the Title I
1362 program, the school readiness program, the Head Start program,
1363 or a private child care program. A program must provide training
1364 for the infants' and toddlers' parents including direct dialogue
1365 and interaction between teachers and parents demonstrating the
1366 urgency of brain development in the first year of a child's
1367 life. Family day care centers are encouraged, but not required,
1368 to comply with this section.

1369 Section 10. Section 1002.77, Florida Statutes, is
1370 transferred, renumbered as section 431.39, Florida Statutes, and
1371 subsections (1) and (3) of that section are amended to read:

1372 431.39 ~~1002.77~~ Florida Early Learning Advisory Council.—

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1373 (1) There is created the Florida Early Learning Advisory
1374 Council within the Office of Early Learning. The purpose of the
1375 advisory council is to share best practices ~~submit~~
1376 ~~recommendations to the department on the early learning policy~~
1377 ~~of this state, including recommendations~~ relating to effective
1378 administration of the Voluntary Prekindergarten Education
1379 Program under part V of chapter 1002 ~~this part~~ and the school
1380 readiness program ~~programs~~ under this chapter ~~s. 411.01~~.

1381 (3) The advisory council shall meet at least annually
1382 ~~quarterly but may meet as often as necessary~~ to carry out its
1383 duties and responsibilities.

1384 Section 11. Paragraph (p) of subsection (3) of section
1385 11.45, Florida Statutes, is amended to read:

1386 11.45 Definitions; duties; authorities; reports; rules.—

1387 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
1388 Auditor General may, pursuant to his or her own authority, or at
1389 the direction of the Legislative Auditing Committee, conduct
1390 audits or other engagements as determined appropriate by the
1391 Auditor General of:

1392 (p) The school readiness system, including the early
1393 learning coalitions, created under chapter 431 ~~s. 411.01~~.

1394 Section 12. Paragraph (h) of subsection (3) of section
1395 20.15, Florida Statutes, is amended to read:

1396 20.15 Department of Education.—There is created a
1397 Department of Education.

1398 (3) DIVISIONS.—The following divisions of the Department
1399 of Education are established:

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1400 (h) The Office of Early Learning, which shall administer
1401 the school readiness system in accordance with chapter 431 s.
1402 ~~411.01~~ and the operational requirements of the Voluntary
1403 Prekindergarten Education Program in accordance with part V of
1404 chapter 1002. The office is a separate budget entity and is not
1405 subject to control, supervision, or direction by the Department
1406 of Education or the State Board of Education in any manner
1407 including, but not limited to, personnel, purchasing,
1408 transactions involving personal property, and budgetary matters.
1409 The office director shall be appointed by the Governor and
1410 confirmed by the Senate, shall serve at the pleasure of the
1411 Governor, and shall be the agency head of the office for all
1412 purposes. The office shall enter into a service agreement with
1413 the department for professional, technological, and
1414 administrative support services. The office shall be subject to
1415 review and oversight by the Chief Inspector General or his or
1416 her designee.

1417 Section 13. Subsection (8) of section 216.136, Florida
1418 Statutes, is amended to read:

1419 216.136 Consensus estimating conferences; duties and
1420 principals.—

1421 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

1422 (a) The Early Learning Programs Estimating Conference
1423 shall develop estimates and forecasts of the unduplicated count
1424 of children eligible for the school readiness program ~~programs~~
1425 in accordance with the standards of eligibility established in
1426 s. 431.13 s. ~~411.01(6)~~, and of children eligible for the
1427 Voluntary Prekindergarten Education Program in accordance with

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1428 s. 1002.53(2), as the conference determines are needed to
1429 support the state planning, budgeting, and appropriations
1430 processes.

1431 (b) The Office of Early Learning shall provide information
1432 on needs and waiting lists for the school readiness program
1433 ~~programs~~, and information on the needs for the Voluntary
1434 Prekindergarten Education Program, as requested by the Early
1435 Learning Programs Estimating Conference or individual conference
1436 principals in a timely manner.

1437 Section 14. Subsection (9) of section 402.302, Florida
1438 Statutes, is amended to read:

1439 402.302 Definitions.—As used in this chapter, the term:

1440 (9) "Household children" means children who are related by
1441 blood, marriage, or legal adoption to, or who are the legal
1442 wards of, the family day care home operator, the large family
1443 child care home operator, or an adult household member who
1444 permanently or temporarily resides in the home. Supervision of
1445 the operator's household children shall be left to the
1446 discretion of the operator unless those children receive
1447 subsidized child care through the school readiness program
1448 pursuant to s. 431.23 ~~s. 411.0101~~ to be in the home.

1449 Section 15. Paragraph (a) of subsection (2) of section
1450 490.014, Florida Statutes, is amended to read:

1451 490.014 Exemptions.—

1452 (2) No person shall be required to be licensed or
1453 provisionally licensed under this chapter who:

1454 (a) Is a salaried employee of a government agency; a
1455 developmental disability facility or program; a mental health,

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1456 alcohol, or drug abuse facility operating under chapter 393,
1457 chapter 394, or chapter 397; the statewide child care resource
1458 and referral network operating under s. 431.25 ~~s. 411.0101~~; a
1459 child-placing or child-caring agency licensed pursuant to
1460 chapter 409; a domestic violence center certified pursuant to
1461 chapter 39; an accredited academic institution; or a research
1462 institution, if such employee is performing duties for which he
1463 or she was trained and hired solely within the confines of such
1464 agency, facility, or institution, so long as the employee is not
1465 held out to the public as a psychologist pursuant to s.
1466 490.012(1)(a).

1467 Section 16. Paragraph (a) of subsection (4) of section
1468 491.014, Florida Statutes, is amended to read:

1469 491.014 Exemptions.—

1470 (4) No person shall be required to be licensed,
1471 provisionally licensed, registered, or certified under this
1472 chapter who:

1473 (a) Is a salaried employee of a government agency; a
1474 developmental disability facility or program; a mental health,
1475 alcohol, or drug abuse facility operating under chapter 393,
1476 chapter 394, or chapter 397; the statewide child care resource
1477 and referral network operating under s. 431.25 ~~s. 411.0101~~; a
1478 child-placing or child-caring agency licensed pursuant to
1479 chapter 409; a domestic violence center certified pursuant to
1480 chapter 39; an accredited academic institution; or a research
1481 institution, if such employee is performing duties for which he
1482 or she was trained and hired solely within the confines of such
1483 agency, facility, or institution, so long as the employee is not

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7119 (2012)

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1484 held out to the public as a clinical social worker, mental
1485 health counselor, or marriage and family therapist.

1486 Section 17. Subsection (4) of section 1002.51, Florida
1487 Statutes, is amended to read:

1488 1002.51 Definitions.—As used in this part, the term:

1489 (4) "Early learning coalition" or "coalition" means an
1490 early learning coalition established ~~created~~ under s. 431.07 ~~s.~~
1491 ~~411.01~~.

1492 Section 18. Paragraph (a) of subsection (4) of section
1493 1002.53, Florida Statutes, is amended to read:

1494 1002.53 Voluntary Prekindergarten Education Program;
1495 eligibility and enrollment.—

1496 (4) (a) Each parent enrolling a child in the Voluntary
1497 Prekindergarten Education Program must complete and submit an
1498 application to the early learning coalition through the single
1499 point of entry established under s. 431.05(2)(d) ~~s. 411.01~~.

1500 Section 19. Paragraph (i) of subsection (3) of
1501 section 1002.55, Florida Statutes, is redesignated as
1502 paragraph (j), and a new paragraph (i) is added to that
1503 subsection, to read:

1504 1002.55 School-year prekindergarten program delivered by
1505 private prekindergarten providers.—

1506 (3) To be eligible to deliver the prekindergarten program,
1507 a private prekindergarten provider must meet each of the
1508 following requirements:

1509 (i) The private prekindergarten provider must execute the
1510 statewide provider agreement prescribed under s. 1002.64, except
1511 that an individual who owns or operates multiple private

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1512 prekindergarten providers within a coalition's service area may
1513 execute a single agreement with the coalition on behalf of each
1514 provider.

1515 Section 20. Subsection (3) of section 1002.61, Florida
1516 Statutes, is amended to read:

1517 1002.61 Summer prekindergarten program delivered by public
1518 schools and private prekindergarten providers.—

1519 (3) (a) Each district school board shall determine which
1520 public schools in the school district are eligible to deliver
1521 the summer prekindergarten program. The school district shall
1522 use educational facilities available in the public schools
1523 during the summer term for the summer prekindergarten program.

1524 (b) Each public school delivering the summer
1525 prekindergarten program must execute the statewide provider
1526 agreement prescribed under s. 1002.64, except that the school
1527 district may execute a single agreement with the early learning
1528 coalition on behalf of all district schools.

1529 (c) ~~(b)~~ Except as provided in this section, to be eligible
1530 to deliver the summer prekindergarten program, a private
1531 prekindergarten provider must meet each requirement in s.
1532 1002.55.

1533 Section 21. Subsection (3) of section 1002.63, Florida
1534 Statutes, is amended to read:

1535 1002.63 School-year prekindergarten program delivered by
1536 public schools.—

1537 (3) (a) The district school board of each school district
1538 shall determine which public schools in the district may deliver
1539 the prekindergarten program during the school year.

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1540 (b) Each public school delivering the school-year
1541 prekindergarten program must execute the statewide provider
1542 agreement prescribed under s. 1002.64, except that the school
1543 district may execute a single agreement with the early learning
1544 coalition on behalf of all district schools.

1545 Section 22. Section 1002.64, Florida Statutes, is created
1546 to read:

1547 1002.64 Statewide provider agreement.—

1548 (1)(a) The Office of Early Learning shall adopt rules
1549 prescribing the statewide provider agreement for the Voluntary
1550 Prekindergarten Education Program.

1551 (b) An early learning coalition must use the statewide
1552 provider agreement to annually contract with each private
1553 prekindergarten provider and public school that delivers the
1554 Voluntary Prekindergarten Education Program within the
1555 coalition's service area.

1556 (c) The rules must prescribe a standardized uniform format
1557 for the statewide provider agreement. An early learning
1558 coalition may not omit, supplement, or amend any provision of
1559 the statewide provider agreement. In addition, an early learning
1560 coalition may not insert or append attachments, addenda, or
1561 exhibits to the statewide provider agreement.

1562 (2) The statewide provider agreement must include:

1563 (a) Child eligibility and enrollment procedures and
1564 requirements under s. 1002.53.

1565 (b) Student reenrollment requirements under s. 1002.71.

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1566 (c) Eligibility requirements for private prekindergarten
1567 providers and public schools delivering the program under ss.
1568 1002.55, 1002.61, 1002.63, and 1002.66.

1569 (d) Program performance and accountability requirements
1570 under ss. 1002.67 and 1002.69.

1571 (e) Requirements for the maintenance of records and data
1572 and the confidentiality of such information.

1573 (f) Provisions requiring compliance with the
1574 antidiscrimination requirements of s. 1002.53(6)(c).

1575 (g) Provisions prohibiting a private prekindergarten
1576 provider or public school from requiring payment of any fee or
1577 charge that is inconsistent with s. 1002.71(8)(a).

1578 (h) Provisions prohibiting a private prekindergarten
1579 provider or public school from requiring a child's enrollment in
1580 or payment of any fee or charge for supplemental services in a
1581 manner that is inconsistent with s. 1002.71(8)(b).

1582 (i) Requirements for notifications between the early
1583 learning coalition, the private prekindergarten provider or
1584 public school, and the parent, which may include, but are not
1585 limited to:

1586 1. Changes to information submitted in the private
1587 prekindergarten provider's or public school's registration form
1588 or the prekindergarten class registration.

1589 2. A parent's withdrawal of his or her child from the
1590 program or a private prekindergarten provider's or public
1591 school's dismissal of a child under s. 1002.71.

1592 3. Temporary closure of a private prekindergarten
1593 provider's facility and subsequent reopening of the facility.

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1594 (j) Procedures for the reporting and certification of
1595 student attendance under s. 1002.71.

1596 (k) Specific grounds for termination of the agreement.

1597 (l) Dispute resolution procedures.

1598 (m) Provisions under which the private prekindergarten
1599 provider, public school, or school district indemnifies the
1600 early learning coalition from liability arising under the
1601 agreement.

1602 (3) (a) An early learning coalition may not execute the
1603 statewide provider agreement with a private prekindergarten
1604 provider before the coalition determines that the provider is
1605 eligible to deliver the Voluntary Prekindergarten Education
1606 Program under s. 1002.55 or s. 1002.61.

1607 (b) An early learning coalition shall make a copy of each
1608 fully executed and dated agreement available to the Office of
1609 Early Learning. The coalition shall provide a copy of the
1610 executed agreement to the private prekindergarten provider,
1611 public school, or school district that executed the agreement.
1612 The coalition shall maintain the executed agreement in the
1613 coalition's records.

1614 (c) A private prekindergarten provider or public school
1615 may not deliver the Voluntary Prekindergarten Education Program
1616 until the statewide provider agreement is fully executed.

1617 (4) In addition to the requirements of s. 120.54, at least
1618 30 days before publication in the Florida Administrative Weekly
1619 of notice of the proposed adoption, amendment, or repeal of any
1620 rule prescribing the statewide provider agreement, the Office of
1621 Early Learning must provide copies of the notice and the

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1622 proposed rule to the President of the Senate and the Speaker of
1623 the House of Representatives. The Office of Early Learning shall
1624 also publish a copy of the statewide provider agreement on its
1625 Internet website and provide a copy of the agreement to each
1626 early learning coalition.

1627 Section 23. Paragraph (d) of subsection (3) of section
1628 1002.67, Florida Statutes, is amended to read:

1629 1002.67 Performance standards; curricula and
1630 accountability.—

1631 (3)

1632 (d) Each early learning coalition, the Office of Early
1633 Learning, and the department shall coordinate with the Child
1634 Care Services Program Office of the Department of Children and
1635 Family Services to minimize interagency duplication of
1636 activities for monitoring private prekindergarten providers for
1637 compliance with requirements of the Voluntary Prekindergarten
1638 Education Program under this part, the school readiness program
1639 ~~programs~~ under chapter 431 s. 411.01, and the licensing of
1640 providers under ss. 402.301-402.319.

1641 Section 24. Paragraph (c) of subsection (3) and paragraph
1642 (a) of subsection (5) of section 1002.71, Florida Statutes, is
1643 amended, and subsection (10) is added to that section, to read:

1644 1002.71 Funding; financial and attendance reporting.—

1645 (3)

1646 (c) The initial allocation shall be based on estimated
1647 student enrollment in the Voluntary Prekindergarten Education
1648 Program in each coalition service area. The Office of Early
1649 Learning shall reallocate funds among the coalitions based on

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1650 actual full-time equivalent student enrollment in the Voluntary
1651 Prekindergarten Education Program in each coalition service
1652 area. Each early learning coalition shall submit monthly reports
1653 of student enrollment to the Office of Early Learning in
1654 accordance with subsection (2). A student enrollment report may
1655 not be amended after December 31 of any year, for the prior
1656 fiscal year.

1657 (5) (a) Each early learning coalition shall maintain
1658 through the single point of entry established under s.
1659 431.05(2) (d) s. 411.01 a current database of the students
1660 enrolled in the Voluntary Prekindergarten Education Program for
1661 each county within the coalition's region.

1662 (10) The Auditor General shall conduct audits of early
1663 learning coalitions as provided in s. 11.45.

1664 Section 25. Subsections (1) and (4) of section 1002.75,
1665 Florida Statutes, are amended to read:

1666 1002.75 Office of Early Learning; powers and duties;
1667 operational requirements.—

1668 (1) The Office of Early Learning shall:

1669 (a) Administer the operational requirements of the
1670 Voluntary Prekindergarten Education Program at the state level.

1671 (b) Monitor and evaluate the performance of each early
1672 learning coalition and of the coalition's finances and
1673 operations related to administration of the Voluntary
1674 Prekindergarten Education Program.

1675 (4) The Office of Early Learning shall also adopt
1676 procedures for the office's agency's distribution of funds to
1677 early learning coalitions under s. 1002.71.

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1678 Section 26. Subsection (4) of section 1006.03, Florida
1679 Statutes, is amended to read:

1680 1006.03 Diagnostic and learning resource centers.—

1681 (4) Diagnostic and learning resource centers may assist
1682 districts in providing testing and evaluation services for
1683 infants and preschool children with or at risk of developing
1684 disabilities, and may assist districts in providing
1685 interdisciplinary training and resources to parents of infants
1686 and preschool children with or at risk of developing
1687 disabilities and to the school readiness program ~~programs~~.

1688 Section 27. Sections 411.01, 411.01014, 411.0104, 445.023,
1689 445.032, and 1002.65, Florida Statutes, are repealed.

1690 Section 28. This act shall take effect July 1, 2012.

1691

1692

1693 **T I T L E A M E N D M E N T**

1694 Remove the entire title and insert:

1695 A bill to be entitled

1696 An act relating to early learning programs; creating
1697 chapter 431, F.S.; providing a short title; defining
1698 terms; providing for designation of the Office of
1699 Early Learning as lead agency for the federal Child
1700 Care and Development Fund; providing the office's
1701 powers and duties for administering the school
1702 readiness program; providing for a preassessment and
1703 postassessment of children enrolled in the school
1704 readiness program; limiting uses of assessment data;
1705 requiring the office to submit an annual report to the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7119 (2012)

Amendment No. 1

1706 Governor and Legislature; providing for the
1707 establishment and duties of early learning coalitions;
1708 limiting the number of coalitions and providing the
1709 minimum number of children that each coalition must
1710 serve; providing for the merger of coalitions under
1711 certain circumstances; providing for the membership of
1712 coalition boards; limiting the use of certain funds by
1713 coalitions; requiring coalitions to annually submit
1714 school readiness plans to the Office of Early Learning
1715 in the format prescribed by the office; establishing a
1716 scorecard to measure coalition performance; providing
1717 the coalitions' powers and duties for administering
1718 the school readiness program; requiring the coalitions
1719 to submit annual reports to the Office of Early
1720 Learning; establishing eligibility criteria for the
1721 enrollment of children in the school readiness program
1722 and the priorities by which children are enrolled;
1723 providing procedures and notice requirements for the
1724 disenrollment of children; providing reporting
1725 requirements for children who are absent from the
1726 program; providing standards and eligibility criteria
1727 for school readiness providers; requiring school
1728 readiness providers to execute the statewide provider
1729 agreement prescribed by the Office of Early Learning;
1730 providing for the allocation of school readiness funds
1731 as specified in the General Appropriations Act;
1732 limiting expenditures for administrative activities,
1733 quality activities, and nondirect services; providing

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1734 for the payment of school readiness providers
1735 according to calculations of payment rates and sliding
1736 fee scales as provided in the General Appropriations
1737 Act; authorizing the Office of Early Learning to
1738 request budget amendments for increased payment rates
1739 in certain geographic areas under certain
1740 circumstances; providing for compliance with federal
1741 parental choice requirements through payment of school
1742 readiness providers with payment certificates;
1743 providing for investigations of fraud or overpayment
1744 in the school readiness program; providing for the
1745 repayment of identified overpayments; limiting the
1746 participation of school readiness providers and
1747 parents in the program until repayment is made in
1748 full; providing penalties for certain acts of fraud;
1749 authorizing the Office of Early Learning to adopt
1750 rules; specifying additional rulemaking requirements;
1751 transferring, renumbering, and amending ss. 411.0101
1752 and 411.011, F.S.; conforming cross-references;
1753 transferring, renumbering, and amending s. 411.01013,
1754 F.S.; revising provisions for calculation of the
1755 prevailing market rate schedule; requiring school
1756 readiness providers to annually submit their market
1757 rates by a specified date; transferring, renumbering,
1758 and amending s. 411.01015, F.S.; conforming a cross-
1759 reference; transferring, renumbering, and amending s.
1760 411.0102, F.S.; deleting a short title; deleting
1761 provisions for the membership and duties of the Child

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Bill No. HB 7119 (2012)

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1762 Care Executive Partnership; requiring the Office of
1763 Early Learning to administer the Child Care Executive
1764 Partnership Program; deleting provisions of community
1765 child care task forces and the disbursement of funds
1766 through local purchasing pools; transferring and
1767 renumbering ss. 411.0103 and 411.0105, F.S.;
1768 transferring, renumbering, and amending s. 411.0106,
1769 F.S.; conforming a cross-reference; transferring,
1770 renumbering, and amending s. 1002.77, F.S.; revising
1771 the purpose of the Florida Early Learning Advisory
1772 Council; revising frequency of council meetings;
1773 conforming cross-references; amending s. 1002.55,
1774 F.S.; requiring the execution of a statewide provider
1775 agreement for private prekindergarten providers;
1776 amending s. 1002.61, F.S.; requiring the execution of
1777 a statewide provider agreement for a public school
1778 delivering the summer prekindergarten program;
1779 amending s. 1002.63, F.S.; requiring the execution of
1780 a statewide provider agreement for a public school
1781 delivering the school-year prekindergarten program;
1782 amending s. 1002.64, F.S.; requiring a statewide
1783 provider agreement for the Voluntary Prekindergarten
1784 Education Program; amending ss. 11.45, 20.15, 216.136,
1785 402.302, 490.014, 491.014, 1002.51, 1002.53, ,
1786 1002.67, 1002.71, 1002.75 and 1006.03, F.S.;
1787 conforming cross-references; conforming terminology;
1788 creating s. 1002.64, F.S.; repealing ss. 411.01,
1789 411.01014, 411.0104, 445.023, 445.032, and 1002.65,

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Bill No. HB 7119 (2012)

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1790 F.S., relating to the School Readiness Act, school
1791 readiness transportation services, Early Head Start
1792 collaboration grants, dependent care for families with
1793 children with special needs, transitional child care,
1794 and aspirational goals for VPK instructor credentials;
1795 providing an effective date.