

1 A bill to be entitled
2 An act relating to early learning programs; creating
3 chapter 431, F.S.; providing a short title; providing
4 legislative intent; defining terms; providing for
5 designation of the Office of Early Learning as lead
6 agency for the federal Child Care and Development
7 Fund; providing the office's powers and duties for
8 administering the school readiness program; providing
9 for a preassessment and postassessment of children
10 enrolled in the school readiness program; limiting
11 uses of assessment data; requiring the office to
12 submit an annual report to the Governor and
13 Legislature; providing for the establishment and
14 duties of early learning coalitions; limiting the
15 number of coalitions and providing the minimum number
16 of children that each coalition must serve; providing
17 for the merger of coalitions under certain
18 circumstances; providing for the membership of
19 coalition boards; limiting the use of certain funds by
20 coalitions; requiring coalitions to annually submit
21 school readiness plans to the Office of Early Learning
22 in the format prescribed by the office; establishing a
23 scorecard to measure coalition performance; providing
24 the coalitions' powers and duties for administering
25 the school readiness program; requiring the coalitions
26 to monitor school readiness providers using a
27 statewide standardized tool; requiring the coalitions
28 to submit annual reports to the Office of Early

29 Learning; establishing eligibility criteria for the
30 enrollment of children in the school readiness program
31 and the priorities by which children are enrolled;
32 providing procedures and notice requirements for the
33 disenrollment of children; providing reporting
34 requirements for children who are absent from the
35 program; providing standards and eligibility criteria
36 for school readiness providers; requiring school
37 readiness providers to implement a curriculum approved
38 by the Office of Early Learning; requiring before-
39 school and after-school programs to meet certain
40 requirements related to facilities, sanitation, and
41 safety; requiring school readiness providers to
42 execute the statewide provider agreement prescribed by
43 the Office of Early Learning; providing for the
44 allocation of school readiness funds as specified in
45 the General Appropriations Act; limiting expenditures
46 for administrative activities, quality activities, and
47 nondirect services; providing for the payment of
48 school readiness providers according to calculations
49 of payment rates and sliding fee scales as provided in
50 the General Appropriations Act; authorizing the Office
51 of Early Learning to request budget amendments for
52 increased payment rates in certain geographic areas
53 under certain circumstances; providing for compliance
54 with federal parental choice requirements through
55 payment of school readiness providers with payment
56 certificates; providing for investigations of fraud or

57 | overpayment in the school readiness program; providing
58 | for the repayment of identified overpayments; limiting
59 | the participation of school readiness providers and
60 | parents in the program until repayment is made in
61 | full; providing penalties for certain acts of fraud;
62 | authorizing the Office of Early Learning to adopt
63 | rules; specifying additional rulemaking requirements;
64 | transferring, renumbering, and amending ss. 411.0101
65 | and 411.011, F.S.; conforming cross-references;
66 | transferring, renumbering, and amending s. 411.01013,
67 | F.S.; revising provisions for calculation of the
68 | prevailing market rate schedule; requiring school
69 | readiness providers to annually submit their market
70 | rates by a specified date; transferring, renumbering,
71 | and amending s. 411.01015, F.S.; conforming a cross-
72 | reference; transferring, renumbering, and amending s.
73 | 411.0102, F.S.; deleting a short title; deleting
74 | provisions for the membership and duties of the Child
75 | Care Executive Partnership; requiring the Office of
76 | Early Learning to administer the Child Care Executive
77 | Partnership Program; deleting provisions of community
78 | child care task forces and the disbursement of funds
79 | through local purchasing pools; transferring and
80 | renumbering ss. 411.0103 and 411.0105, F.S.;
81 | transferring, renumbering, and amending s. 411.0106,
82 | F.S.; conforming a cross-reference; transferring,
83 | renumbering, and amending s. 1002.77, F.S.; revising
84 | the purpose of the Florida Early Learning Advisory

85 Council; revising frequency of council meetings;
86 conforming cross-references; amending ss. 1002.55,
87 1002.61, and 1002.63, F.S.; requiring private
88 prekindergarten providers and public schools that
89 deliver the Voluntary Prekindergarten Education
90 Program to execute the statewide provider agreement
91 prescribed by the Office of Early Learning;
92 authorizing the execution of a single agreement on
93 behalf of multiple private prekindergarten providers
94 or public schools under certain circumstances;
95 creating s. 1002.64, F.S.; requiring the Office of
96 Early Learning to adopt rules prescribing the
97 statewide provider agreement for the Voluntary
98 Prekindergarten Education Program; amending s.
99 1002.71, F.S.; revising requirements for the
100 calculation of student enrollment for purposes of
101 initial allocations of funds for the Voluntary
102 Prekindergarten Education Program; providing for the
103 monthly reporting of student enrollment; requiring the
104 Auditor General to conduct audits of early learning
105 coalitions; conforming a cross-reference; amending s.
106 1002.75, F.S.; requiring the Office of Early Learning
107 to monitor and evaluate the performance, finances, and
108 operations of early learning coalitions; amending ss.
109 11.45, 20.15, 216.136, 402.302, 490.014, 491.014,
110 1002.51, 1002.53, 1002.67, and 1006.03, F.S.;

111 conforming cross-references; conforming terminology;
112 repealing ss. 411.01, 411.01014, 411.0104, 445.023,

113 445.032, and 1002.65, F.S., relating to the School
 114 Readiness Act, school readiness transportation
 115 services, Early Head Start collaboration grants,
 116 dependent care for families with children with special
 117 needs, transitional child care, and legislative intent
 118 concerning the professional credentials of
 119 prekindergarten instructors; providing an effective
 120 date.

121

122 Be It Enacted by the Legislature of the State of Florida:

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124 Section 1. Chapter 431, Florida Statutes, consisting of
 125 sections 431.01, 431.03, 431.05, 431.07, 431.09, 431.11, 431.13,
 126 431.15, 431.17, 431.19, 431.23, and 431.41, is created to read:

127

CHAPTER 431

128

EARLY LEARNING

129

431.01 Short title; legislative intent.—

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

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(2) (a) The Legislature recognizes that the school

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readiness program increases children's chances of achieving

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future educational success and becoming productive members of

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society. It is the intent of the Legislature that the program be

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developmentally appropriate, be research-based, involve the

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parent as a child's first teacher, serve as a preventive measure

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for children at risk of future school failure, enhance the

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educational readiness of eligible children, and support family

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education. The school readiness program shall provide the

141 elements necessary to prepare at-risk children for school,
142 including health screening and referral and an appropriate
143 educational program.

144 (b) It is the intent of the Legislature that the school
145 readiness program be operated on a full-day, year-round basis to
146 the maximum extent possible to enable parents to work and become
147 financially self-sufficient.

148 (c) It is the intent of the Legislature that the school
149 readiness program not exist as an isolated program, but build
150 upon existing services and work in cooperation with other
151 programs for young children, and that the school readiness
152 program be coordinated to achieve full effectiveness.

153 (d) It is the intent of the Legislature that
154 administrative staff for the school readiness program be kept to
155 the minimum necessary to administer the duties of the Office of
156 Early Learning and early learning coalitions. The Office of
157 Early Learning shall adopt system support services at the state
158 level to build a comprehensive early learning system. Each early
159 learning coalition shall implement and maintain direct
160 enhancement services at the local level, as approved in its
161 school readiness plan by the Office of Early Learning, and
162 ensure access to such services in each county.

163 (e) It is the intent of the Legislature that the school
164 readiness program coordinate and operate in conjunction with the
165 district school systems. However, it is also the intent of the
166 Legislature that the school readiness program not be construed
167 as part of the system of free public schools but rather as a
168 separate program for children under the age of kindergarten

169 eligibility, funded separately from the system of free public
 170 schools, using a mandatory sliding fee scale, and providing an
 171 integrated and seamless system of school readiness services for
 172 the state's birth-to-kindergarten population.

173 (f) It is the intent of the Legislature that school
 174 readiness services be an integrated and seamless program of
 175 services with a developmentally appropriate education component
 176 for the state's eligible birth-to-kindergarten population
 177 described in s. 431.13 and not be construed as part of the
 178 seamless K-20 education system.

179 (3) This chapter does not:

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

182 (b) Create an obligation on the state or an early learning
 183 coalition to provide any publicly funded school readiness
 184 program or services beyond those authorized by the Legislature.

185 431.03 Definitions.—As used in this chapter, the term:

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

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

191 (a) A child who is from a family that is under
 192 investigation by the Department of Children and Family Services
 193 or a designated sheriff's office for child abuse, neglect,
 194 abandonment, or exploitation.

195 (b) A child who is in a diversion program provided by the
 196 Department of Children and Family Services or its contracted

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197 provider and is from a family that is actively participating and
198 complying in department-prescribed activities, including
199 education, health services, or work.

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

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

208 (3) "Authorized hours of care" means the hours of care
209 that are necessary to provide protection or complete work
210 activities or eligible educational activities, including
211 reasonable travel time.

212 (4) "Coalition" means an early learning coalition
213 established under s. 431.07.

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

218 (6) "Economically disadvantaged" means having a family
219 income that does not exceed 150 percent of the federal poverty
220 level.

221 (7) "Family income" means the combined gross income,
222 whether earned or unearned, that is derived from any source by
223 all family or household members who are 18 years of age or older
224 and currently reside together in the same dwelling unit. The

225 term does not include income earned by a currently enrolled high
 226 school student who, since attaining the age of 18 years, has not
 227 terminated school enrollment or received a high school diploma,
 228 high school equivalency diploma, special diploma, or certificate
 229 of high school completion. The term also does not include food
 230 stamp benefits or federal housing assistance payments issued
 231 directly to a landlord or the associated utilities expenses.

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

237 (9) "Fraud" means an intentional deception or
 238 misrepresentation made by a person with knowledge that the
 239 deception or misrepresentation may result in unauthorized
 240 benefit to that person or another person. The term includes any
 241 act that constitutes fraud under applicable federal or state
 242 law.

243 (10) "Full-day" means the availability of at least 10
 244 hours of school readiness services per day, including day,
 245 night, weekend, and odd-hour care.

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

249 (12) "Gold Seal premium percentage" means a specified
 250 percentage provided in the General Appropriations Act that, for
 251 a school readiness provider that has the Gold Seal Quality Care
 252 designation under s. 402.281, is applied to the provider's

253 adjusted payment rate.

254 (13) "Informal child care provider" means, to the extent
255 authorized in the state's Child Care and Development Fund Plan
256 as approved by the United States Department of Health and Human
257 Services pursuant to 45 C.F.R. s. 98.18, an in-home child care
258 provider as defined in 45 C.F.R. s. 98.2 or a relative, such as
259 a grandparent, great grandparent, aunt, uncle, or sibling who
260 provides care for the child.

261 (14) "In loco parentis" means acting as a child's
262 temporary guardian.

263 (15) "Market rate" means the price that a child care or
264 early childhood education provider charges for full-time or
265 part-time daily, weekly, or monthly child care or early
266 childhood education services.

267 (16) "Office" means the Office of Early Learning of the
268 Department of Education established under s. 20.15(3)(h).

269 (17) "Parent" means a parent by blood, marriage, or
270 adoption; a legal guardian; or another person standing in loco
271 parentis.

272 (18) "Part-time care" means less than 6 hours of child
273 care or early childhood education services within a 24-hour
274 period.

275 (19) "Payment certificate" means a child care certificate
276 as defined in 45 C.F.R. s. 98.2.

277 (20) "Prevailing market rate" means the biennially
278 determined statewide median of the market rate for child care
279 and early childhood education services.

280 (21) "Single point of entry" means an integrated

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281 information system that allows a parent to enroll his or her
282 child in the school readiness program at various locations
283 throughout a county, that may allow a parent to enroll his or
284 her child by telephone or through an Internet website, and that
285 uses a unified waiting list to track eligible children waiting
286 for enrollment in the school readiness program.

287 (22) "Unearned income" means income other than earned
288 income. The term includes, but is not limited to:

289 (a) Documented alimony and child support received.

290 (b) Social security benefits.

291 (c) Supplemental security income benefits.

292 (d) Workers' compensation benefits.

293 (e) Unemployment compensation benefits.

294 (f) Veterans' benefits.

295 (g) Retirement benefits.

296 (h) Temporary cash assistance under chapter 414.

297 (i) Military housing assistance under the federal Family
298 Subsistence Supplemental Allowance Program.

299 (23) "Working family" means:

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

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

306 (c) A family in which the parents, as prescribed by rules
307 adopted by the office, are exempt from work requirements due to
308 age or disability as determined and documented by a physician

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309 licensed under chapter 458 or chapter 459.

310 431.05 Office of Early Learning; powers and duties.-

311 (1) The Governor shall designate the Office of Early
312 Learning as the lead agency for administration of the federal
313 Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and
314 the office shall comply with the lead agency responsibilities
315 under federal law.

316 (2) The office shall:

317 (a) Administer the school readiness program at the state
318 level and coordinate with the early learning coalitions to
319 ensure the availability of school readiness services to support
320 the efforts of parents to work and be financially self-
321 sufficient and to enhance the quality of child care programs in
322 the state.

323 (b) Provide the school readiness services authorized in
324 this chapter in a manner that ensures the preservation of
325 parental choice by permitting parents to choose from a variety
326 of child care categories, including center-based care, group
327 home child care, family child care, and in-home child care. Care
328 and curriculum by a sectarian provider may not be limited or
329 excluded in any of these categories.

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

335 (d) Maintain a single statewide information system that
336 each coalition must use for the purposes of managing the single

337 point of entry, tracking children's progress, coordinating
338 services among stakeholders, determining eligibility, tracking
339 child attendance, and streamlining administrative processes for
340 providers and coalitions.

341 (e) Ensure statewide access to school readiness services
342 throughout each county.

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

346 (g) Approve school readiness plans annually.

347 (h) Monitor and evaluate the performance of each coalition
348 in administering the school readiness program, ensuring proper
349 payments for school readiness services, and implementing the
350 coalition's school readiness plan. These monitoring and
351 performance evaluations must include, at a minimum, onsite
352 monitoring of each coalition's finances, management, operations,
353 and programs.

354 (i) Monitor each coalition to ensure that additional
355 regulations or requirements are not placed upon school readiness
356 providers that exceed the authority provided under this chapter
357 or rules adopted pursuant to this chapter.

358 (j) Provide technical assistance to early learning
359 coalitions consistent with the purposes of this chapter to avoid
360 duplication of services.

361 (k) Ensure that all expenditures are properly allocated by
362 expenditure type, clearly accounting for indirect and direct
363 expenditures, and ensuring that funds used to support staff and
364 salaries, contracts, and vendors are accounted for separate and

365 apart from other expenditures within each expenditure type.

366 (1) Coordinate with the Child Care Services Program Office
367 of the Department of Children and Family Services with respect
368 to health and safety monitoring, background screenings, and the
369 collection and maintenance of data pertaining to child care
370 training and credentialing.

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

374 (3) The office has authority to administer this chapter,
375 including the power to receive and accept grants, loans, or
376 advances of funds from any public or private agency and to
377 receive and accept from any source contributions of money,
378 property, labor, or any other thing of value, to be held, used,
379 and applied for purposes of this chapter.

380 (4) The office must exercise due diligence in securing
381 full payment of all accounts receivable and other claims due to
382 the state and comply with procedures for collections under s.
383 17.20.

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

387 (6) The office shall adopt rules prescribing child
388 development standards for the physical health, approaches to
389 learning, social and emotional development, language and
390 communication, cognitive development, and general knowledge and
391 motor development of children served in the school readiness
392 program. The child development standards must align with

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393 performance standards adopted by the Department of Education for
394 the Voluntary Prekindergarten Education Program pursuant to s.
395 1002.67.

396 (7) The office shall implement a statewide preassessment
397 and postassessment aligned with the child development standards
398 adopted pursuant to subsection (6). The assessment shall be
399 implemented and used by school readiness providers to inform
400 classroom instruction. The assessment may not be used for
401 evaluating providers or for high-stakes accountability. The
402 office shall collect the results of the preassessments and
403 postassessments statewide to evaluate the effectiveness of the
404 school readiness program. At a minimum, a preassessment shall be
405 administered to each school readiness child that participates in
406 the program within the first 60 days after enrollment. By May 30
407 of each year, a postassessment shall be administered to each
408 school readiness child who participates in a provider's program
409 for at least the previous 6 months.

410 (8) The office shall adopt by rule a statewide
411 standardized monitoring tool that the coalitions shall use to
412 determine provider compliance with the standards prescribed in
413 ss. 431.15 and 431.17.

414 (9) The office shall adopt a list of approved curricula
415 that enhance the age-appropriate progress of children in
416 attaining the child development standards adopted pursuant to
417 subsection (6). In addition, the office shall adopt a process
418 for review of the curriculum used by a school readiness provider
419 and approval of a curriculum that enhances the age-appropriate
420 progress of children in attaining the child development

421 standards.

422 (10) By January 1 of each year, the office shall submit an
423 annual report of its activities conducted under this chapter to
424 the Governor, the President of the Senate, and the Speaker of
425 the House of Representatives. The report must include a summary
426 of the coalitions' annual reports, a statewide summary, and the
427 following:

428 (a) An analysis of school readiness activities throughout
429 the state.

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

433 (c) A summary of expenditures by coalition, including a
434 breakdown by coalition of the percentage of expenditures for
435 administrative activities, quality activities, nondirect
436 services, and direct services for children.

437 (d) A description of the office's and each coalition's
438 expenditures for the quality activities described in s.
439 431.19(4)(b).

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

442 (f) Coalition scorecard performance data to measure the
443 success of the coalitions in implementing the early learning
444 programs.

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

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

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449 (i) The statewide results obtained through preassessments
450 and postassessments.

451 431.07 Early learning coalitions; coalition boards.-

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

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

463 (c) The office shall adopt rules prescribing procedures
464 for merging coalitions, including procedures for the
465 consolidation of merging coalitions, and for the early
466 termination of the terms of coalition board members, which are
467 necessary to accomplish the mergers.

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

470 (a) The Governor shall appoint the chair and two
471 additional members who must each be private sector business
472 members and meet the qualifications in paragraph (d).

473 (b) The coalition board shall include the following public
474 sector members:

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

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477 Secretary of Children and Family Services to make decisions on
478 behalf of the department or, if applicable, the head of a local
479 licensing agency approved under ss. 402.306 and 402.307 or his
480 or her designee. If the coalition's service area includes
481 multiple circuits or counties, and in the event of a local
482 conflict, the Governor shall make the appointment from one of
483 the circuits or counties.

484 2. A district superintendent of schools or his or her
485 designee who is authorized by the district school board to make
486 decisions on behalf of the district. If the coalition's service
487 area includes multiple school districts, and in the event of a
488 local conflict, the Governor shall, from term to term, rotate
489 the appointment among each of the districts.

490 3. A regional workforce board executive director or his or
491 her designee. If the coalition's service area includes multiple
492 regional workforce board service delivery areas, and in the
493 event of a local conflict, the Governor shall make the
494 appointment from one of the regional workforce boards.

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

499 5. If the coalition's service area includes a Florida
500 College System institution, the college president or his or her
501 designee. If the coalition's service area includes multiple
502 Florida College System institutions, and in the event of a local
503 conflict, the Governor shall make the appointment from one of
504 the institutions.

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

509 7. If the coalition's service area includes a
510 municipality, one member appointed by the governing board of the
511 municipality. If the coalition's service area includes multiple
512 municipalities, and in the event of a local conflict, the
513 Governor shall determine which municipality shall make the
514 appointment.

515 8. If the coalition's service area includes a federal Head
516 Start program, the Head Start director. If the coalition's
517 service area includes multiple Head Start programs, and in the
518 event of a local conflict, the Governor shall make the
519 appointment from one of the programs.

520 9. A representative of programs for children with
521 disabilities under the federal Individuals with Disabilities
522 Education Act.

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

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

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

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

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533 (d) At least one-third of the members of each coalition
534 board must be private sector business members who do not have,
535 and none of whose relatives as defined in s. 112.3143 has, a
536 substantial financial interest in the design or delivery of the
537 Voluntary Prekindergarten Education Program created under part V
538 of chapter 1002 or the school readiness program. The coalition
539 board shall appoint additional members to the early learning
540 coalition in order to meet the requirements of this paragraph.
541 Private sector board members serve at the pleasure of the
542 Governor.

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

545 (3) (a) A majority of the voting membership of a coalition
546 board constitutes a quorum required to conduct the business of
547 the coalition. A coalition board may use any method of
548 telecommunications to conduct meetings, including establishing a
549 quorum through telecommunications, provided that the public is
550 given proper notice of a telecommunications meeting and
551 reasonable access to observe and, when appropriate, participate.

552 (b) Except as otherwise provided in subsection (2), a
553 member of a coalition board may not appoint a designee to act in
554 his or her place. A member may send a representative to
555 coalition board meetings, but that representative does not have
556 voting privileges. When a member appoints a designee under
557 subsection (2), the designee serves at the pleasure of the
558 designating official. Unless the designee is removed by the
559 designating official, the designee is the voting member of the
560 coalition board, and any individual attending in the designee's

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561 place, including the designating official, does not have voting
562 privileges.

563 (c) Each member of a coalition board is subject to ss.
564 112.313, 112.3135, and 112.3143. For purposes of s.
565 112.3143(3) (a), each member is a local public officer who must
566 abstain from voting when a voting conflict exists.

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

569 (4) Each coalition board shall establish terms for all
570 appointed members of the board. The terms of members must be
571 staggered and must be a uniform length that does not exceed 4
572 years per term. Members appointed under paragraph (2) (a),
573 subparagraphs (2) (b) 6.-9., or paragraphs (2) (c) or (d) may serve
574 a maximum of 8 consecutive years, not including any unexpired
575 term for which the member was originally appointed. When a
576 vacancy occurs in an appointed position, the coalition must
577 advertise the vacancy, and notify the appointing authority.

578 (5) Each coalition board member who is not otherwise
579 required to file financial disclosure pursuant to s. 8, Art. II
580 of the State Constitution or s. 112.3144 shall file a disclosure
581 of financial interest pursuant to s. 112.3145. A coalition's
582 executive director or other person designated as being
583 responsible for the coalition's operational and administrative
584 functions who is not otherwise required to file financial
585 disclosure pursuant to s. 8, Art. II of the State Constitution
586 or s. 112.3144 shall file disclosure of financial interests
587 pursuant to s. 112.3145.

588 (6) The Governor may, for cause, remove any coalition

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589 board member or executive director. As used in this subsection,
590 the term "cause" includes engaging in fraud or other criminal
591 acts, incapacity, unfitness, neglect of duty, and official
592 incompetence and irresponsibility justifying removal in the
593 public interest.

594 (7) State, federal, and local maintenance-of-effort and
595 matching funds provided to the early learning coalitions may not
596 be used directly or indirectly to pay for meals, food, or
597 beverages for coalition board members or employees. Preapproved,
598 reasonable, and necessary per diem allowances and travel
599 expenses may be reimbursed. Such reimbursement shall be at the
600 standard travel reimbursement rates established in s. 112.061
601 and must comply with all applicable federal and state
602 requirements.

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

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

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

615 (c) The office determines through monitoring and
616 performance that a coalition has not met the legal requirements

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617 of federal or state law to implement the school readiness
618 program or the Voluntary Prekindergarten Education Program.

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

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

625 431.09 School readiness plans; scorecard.-

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

631 (2) Each coalition must annually submit a school readiness
632 plan to the office before the expenditure of funds. A coalition
633 may not implement its school readiness plan until it receives
634 approval from the office. A coalition may not implement any
635 revision to its school readiness plan until the coalition
636 submits the revised plan to and receives approval from the
637 office. If the office rejects a plan or revision, the coalition
638 must continue to operate under its previously approved plan. The
639 plan must include:

640 (a) The coalition's business organization, which must
641 include the coalition's articles of incorporation and bylaws if
642 the coalition is organized as a corporation. If the coalition is
643 not organized as a corporation or other business entity, the
644 plan must include the contract with a fiscal agent.

645 (b) A detailed budget that outlines estimated expenditures
646 for state, federal, and local maintenance-of-effort and matching
647 funds at the lowest level of detail available by other-cost-
648 accumulator code number; all estimated sources of revenue with
649 identifiable descriptions; a listing of full-time equivalent
650 positions; contracted subcontractor costs with related annual
651 gross salary amount or hourly rate of compensation; and a
652 capital improvements plan outlining existing fixed capital
653 outlay projects and proposed capital outlay projects that will
654 begin during the budget year.

655 (c) A detailed accounting, in the format prescribed by the
656 office, of all revenues and expenditures during the previous
657 state fiscal year. Revenue sources should be identifiable and
658 expenditures should be reported by three categories: state and
659 federal funds, local maintenance-of-effort and matching funds,
660 and Child Care Executive Partnership Program funds.

661 (d) A description of the quality activities as described
662 in s. 431.19(4)(b) and related expenditures used to meet the
663 minimum requirements in 45 C.F.R. s. 98.51 for expenditures to
664 improve the quality of child care. Quality activities shall be
665 described and include a summary of the activity, estimated
666 costs, and a timeline indicating when each activity will occur
667 and be completed.

668 (e) Updated policies and procedures, including those
669 governing procurement, maintenance of tangible personal
670 property, maintenance of records, information technology
671 security and expenses, and disbursement controls.

672 (f) Documentation that the coalition has solicited and

673 considered comments regarding the proposed school readiness plan
 674 from the local community.

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

679 (4) The office shall publish a copy of the standardized
 680 format and required content of school readiness plans on its
 681 Internet website and provide a copy of the format and content to
 682 each early learning coalition.

683 (5) The office shall establish a scorecard to measure
 684 coalition performance. In considering potential measures for the
 685 scorecard, the office shall consider measures related to
 686 provider satisfaction, parent satisfaction, payment processes,
 687 fraud intervention, child attendance and stability, use of child
 688 care resource and referral to support families, and school
 689 readiness outcomes for children in the Voluntary Prekindergarten
 690 Education Program upon entry into kindergarten. The office shall
 691 request input from the coalitions, the Department of Education,
 692 and school readiness providers before finalizing the scorecard
 693 format and measures to be used. The scorecard shall be
 694 implemented beginning July 1, 2013, and results of the scorecard
 695 must be included in the office's annual report under s.
 696 431.05(10).

697 431.11 Early learning coalitions; powers and duties.—Each
 698 early learning coalition shall:

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

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

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

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

708 (5) Determine child eligibility pursuant to s. 431.13 and
 709 provider eligibility pursuant to s. 431.15. Child eligibility
 710 must be redetermined annually. A coalition must document the
 711 reason why a child is no longer eligible for the school
 712 readiness program according to the termination codes prescribed
 713 by the office.

714 (6) Determine provider eligibility annually pursuant to s.
 715 431.15.

716 (7) Ensure proper maintenance of records related to
 717 eligibility and enrollment files, provider payments, coalition
 718 staff background screenings, and other documents required for
 719 the implementation of the school readiness program.

720 (8) Establish a records-retention requirement for sign-in
 721 and sign-out sheets that is consistent with state and federal
 722 law.

723 (9) Follow the requirements established by the Chief
 724 Financial Officer for the recording of real property and for the
 725 periodic review of property for inventory purposes.

726 (10) Comply with federal procurement requirements and the
 727 expenditure requirements of federal and state law and state
 728 rules.

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729 (11) Ensure that proper information technology security
730 controls are in place, including, but not limited to,
731 periodically reviewing the appropriateness of access privileges
732 assigned to users of certain systems; monitoring system hardware
733 performance and capacity-related issues; and ensuring
734 appropriate backup procedures and disaster recovery plans are in
735 place.

736 (12) Develop written policies, procedures, and standards
737 for monitoring vendor contracts, including, but not limited to,
738 provisions specifying the particular procedures that may be used
739 to evaluate contractor performance and the documentation that is
740 to be maintained to serve as a record of contractor performance.
741 This subsection does not apply to contracts with school
742 readiness providers.

743 (13) Monitor school readiness providers on an annual
744 basis, or in response to a parental complaint, to ensure that
745 the standards prescribed in ss. 431.15 and 431.17 are met using
746 the statewide standardized monitoring tool adopted by the Office
747 of Early Learning. Providers determined to be high risk by the
748 coalition, as demonstrated by substantial findings of violations
749 of federal law or the general or local laws of the state, shall
750 be monitored more frequently.

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

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

756 (a) Segregation of school readiness funds, Voluntary

757 Prekindergarten Education Program funds, and Child Care
758 Executive Partnership Program funds.

759 (b) Details of expenditures, including total expenditures
760 for administrative activities, quality activities, nondirect
761 services, and direct services for children.

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

764 (d) The number of children served in the school readiness
765 program, enumerated by age and eligibility priority category,
766 which shall be calculated using the number of children served
767 during the first week of every month, the average full-time
768 equivalent child participation throughout the month, and the
769 number of children served during the last week of the month.

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

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

776 431.13 School readiness program; eligibility and
777 enrollment.—

778 (1) Effective July 1, 2012, or upon reevaluation of the
779 eligibility of child who is currently served, whichever occurs
780 later, each coalition shall give priority for participation in
781 the school readiness program as follows:

782 (a) Priority shall be given first to a child younger than
783 13 years of age from a working family that includes an adult
784 receiving temporary cash assistance under chapter 414.

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

787 (c) Priority shall be given next to a child from birth to
788 the beginning of the school year for which the child is eligible
789 for admission to kindergarten in a public school under s.
790 1003.21(1)(a)2. from a working family that is economically
791 disadvantaged. However, the child ceases to be eligible if his
792 or her family income exceeds 200 percent of the federal poverty
793 level.

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

800 (e) Priority shall be given next to a child younger than
801 13 years of age who is a sibling of a child enrolled in the
802 school readiness program under paragraph (c).

803 (f) Priority shall be given next to a child with a
804 disability who is at least 3 years of age, but younger than 6
805 years of age, for whom a current individual education plan has
806 been developed by a Florida school district.

807 (g) Notwithstanding paragraphs (a)-(f), priority shall be
808 given last to a child who otherwise meets one of the eligibility
809 criteria in paragraphs (a)-(f) but who is also enrolled
810 concurrently in the federal Head Start Program and the Voluntary
811 Prekindergarten Education Program.

812 (2)(a) Each parent enrolling a child in the school

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813 readiness program must complete and submit an application to the
814 coalition through the single point of entry established under s.
815 431.05(2)(d).

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

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

823 (3) A school readiness provider may be paid only for the
824 authorized hours of care provided for a child in the school
825 readiness program. A child enrolled in the Voluntary
826 Prekindergarten Education Program may receive part-time care
827 from the school readiness program if the child is eligible
828 according to the eligibility priorities provided in subsection
829 (1).

830 (4) The parent of a child enrolled in the school readiness
831 program must notify the coalition or its designee within 10 days
832 after any change in employment, income, or family size. Upon
833 notification by the parent, the child's eligibility must be
834 redetermined.

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

839 (6) Eligibility for each child must be reevaluated
840 annually. Upon reevaluation, a child may not continue to receive

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841 school readiness services if he or she has ceased to be eligible
842 under this section.

843 (7) If a coalition disenrolls children from the school
844 readiness program, the coalition must disenroll the children in
845 reverse order of the eligibility priorities listed in subsection
846 (1), beginning with children from families with the highest
847 family incomes. A notice of disenrollment must be sent to
848 parents and school readiness providers at least 2 weeks before
849 disenrollment to ensure adequate time for parents to arrange
850 alternative care for their children. However, an at-risk child
851 may not be disenrolled from the program without the written
852 approval of the Family Safety Program Office of the Department
853 of Children and Family Services or the community-based lead
854 agency.

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

859 (b) Notwithstanding s. 39.604, a school readiness
860 provider, regardless of whether the provider is licensed, shall
861 comply with the reporting requirements of the Rilya Wilson Act
862 for each at-risk child enrolled in the school readiness program,
863 regardless of the child's age or eligibility for protective
864 services.

865 431.15 School readiness provider standards; eligibility to
866 deliver school readiness program.—

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

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869 (a) Be a child care facility licensed under s. 402.305,
870 family day care home licensed or registered under s. 402.313,
871 large family child care home licensed under s. 402.3131, public
872 school or nonpublic school exempt from licensure under s.
873 402.3025, faith-based child care provider exempt from licensure
874 under s. 402.316, before-school or after-school program
875 described in s. 402.305(1)(c), or an informal child care
876 provider, to the extent authorized in the state's Child Care and
877 Development Fund Plan as approved by the United States
878 Department of Health and Human Services pursuant to 45 C.F.R. s.
879 98.18.

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

883 (c) Ensure the basic health and safety of its premises and
884 facilities and compliance with requirements for age-appropriate
885 immunizations of children enrolled in the school readiness
886 program. For a child care facility, large family child care
887 home, or licensed family day care home, compliance with s.
888 402.305, s. 402.3131, or s. 402.313 satisfies this requirement.
889 For a public or nonpublic school, compliance with s. 402.3025 or
890 s. 1003.22 satisfies this requirement. A faith-based child care
891 provider exempt from licensure under s. 402.316 must meet or
892 exceed the requirements of s. 402.305, except for square
893 footage, as determined by an onsite inspection by an early
894 learning coalition. An informal child care provider or
895 registered family day care home must meet or exceed the
896 requirements of s. 402.313. A before-school or after-school

897 program must meet or exceed the requirements of s. 402.305(5),
 898 (6), and (7).

899 (d) Implement a curriculum approved by the Office of Early
 900 Learning that enhances the age-appropriate progress of children
 901 in attaining the child development standards.

902 (e) Provide child development screenings as determined
 903 necessary by the provider or requested by the parent for any
 904 child in the school readiness program. A child development
 905 screening may be performed on any child enrolled in the school
 906 readiness program with the consent of the child's parent.

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

909 (g) Execute the statewide provider agreement prescribed
 910 under s. 431.17, except that:

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

914 2. A school district may execute a single agreement with
 915 the coalition on behalf of all district schools delivering the
 916 school readiness program.

917 (2) If a school readiness provider fails or refuses to
 918 comply with this chapter or any contractual obligation of the
 919 statewide provider agreement under s. 431.17, the coalition or
 920 the office may revoke the provider's eligibility to deliver the
 921 school readiness program or receive state or federal funds under
 922 this chapter.

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

924 (a) Impose any requirement on a child care or early

925 childhood education provider that does not deliver services
 926 under the school readiness program or receive state or federal
 927 funds under this chapter; or

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

931 431.17 Statewide provider agreement.-

932 (1) (a) The Office of Early Learning shall adopt rules
 933 prescribing the statewide provider agreement for the school
 934 readiness program.

935 (b) A coalition must use the statewide provider agreement
 936 to annually contract with each school readiness provider that
 937 delivers the school readiness program within the coalition's
 938 service area.

939 (c) The rules must prescribe the standardized uniform
 940 format for the statewide provider agreement. A coalition may not
 941 omit, supplement, or amend any provision of the statewide
 942 provider agreement. In addition, a coalition may not insert or
 943 append attachments, addenda, or exhibits to the statewide
 944 provider agreement.

945 (2) The statewide provider agreement must include:

946 (a) Child eligibility and enrollment procedures and
 947 requirements under s. 431.13.

948 (b) Funding, payment, and expenditures for the school
 949 readiness program under s. 431.19.

950 (c) Child development standards for the school readiness
 951 program under s. 431.05(6).

952 (d) School readiness provider standards under s. 431.15.

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953 (e) Requirements for the maintenance of records and data
954 and the confidentiality of such information.

955 (f) Requirements for notifications between the early
956 learning coalition, the school readiness provider, and the
957 parent, which may include, but are not limited to:

958 1. Changes to information submitted in the provider's
959 registration form.

960 2. A parent's withdrawal of his or her child from the
961 school readiness program or a provider's dismissal of a child.

962 3. Temporary closure of a school readiness provider's
963 facility and subsequent reopening of the facility.

964 (g) Procedures for the reporting and certification of
965 child attendance.

966 (h) Specific grounds for termination of the agreement for
967 failure to comply with federal or state law.

968 (i) Specific grounds for monitoring by the coalition of
969 providers determined to be high risk.

970 (j) Dispute resolution procedures, including a method for
971 a provider to seek guidance from the office on a dispute.

972 (k) Provisions under which the school readiness provider
973 indemnifies the coalition from liability arising under the
974 agreement.

975 (3) (a) A coalition may not execute the statewide provider
976 agreement with a school readiness provider before the coalition
977 determines that the provider is eligible to deliver the school
978 readiness program under s. 431.15.

979 (b) A coalition shall make available to the office a copy
980 of each fully executed and dated agreement. The coalition shall

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981 provide a copy of the executed agreement to the school readiness
982 provider or school district that executed the agreement. The
983 coalition shall also maintain the executed agreement in the
984 coalition's records.

985 (c) A school readiness provider may not deliver the school
986 readiness program until the statewide provider agreement is
987 fully executed.

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

991 431.19 School readiness program; funding.-

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

995 (2) (a) The Office of Early Learning shall administer
996 school readiness funds and shall prepare and submit a unified
997 budget request for the school readiness system in accordance
998 with chapter 216.

999 (b) All instructions to coalitions for administering this
1000 chapter shall emanate from the office as provided by law.

1001 (3) All state, federal, and required local maintenance-of-
1002 effort and matching funds provided to a coalition for purposes
1003 of this section shall be used for implementation of its approved
1004 school readiness plan, including the hiring of staff to
1005 effectively operate the coalition's school readiness program.

1006 (4) Costs shall be kept to the minimum necessary for the
1007 efficient and effective administration of the school readiness
1008 program. However, no more than 4 percent of the funds described

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1009 in subsection (3) may be used for the administrative activities
 1010 described in paragraph (a), and no more than 18 percent of the
 1011 funds described in subsection (3) may be used for any
 1012 combination of the following administrative activities, quality
 1013 activities, and nondirect services:

1014 (a) Administrative activities as described in 45 C.F.R. s.
 1015 98.52.

1016 (b) Activities to improve the quality of child care as
 1017 described in 45 C.F.R. s. 98.51, which shall be limited to the
 1018 following:

1019 1. Developing, establishing, expanding, operating, and
 1020 coordinating resource and referral programs specifically related
 1021 to the provision of comprehensive consumer education to parents
 1022 and the public regarding participation in the school readiness
 1023 program.

1024 2. Awarding grants to school readiness providers to assist
 1025 them in implementing developmentally appropriate curricula and
 1026 related classroom resources that support the curricula, literacy
 1027 supports, and professional development.

1028 3. Providing training and technical assistance to school
 1029 readiness providers, staff, and parents on child development
 1030 standards, child screenings, child assessments, developmentally
 1031 appropriate curricula, character development, teacher-child
 1032 interactions, age-appropriate discipline practices, health and
 1033 safety, nutrition, first aid, the recognition of communicable
 1034 diseases, and child abuse detection and prevention.

1035 4. Providing from among the funds provided for the
 1036 activities described in subparagraphs 1.-3., adequate funding of

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1037 direct services for infants and toddlers as necessary to meet
 1038 federal requirements related to expenditures for quality
 1039 activities for infant and toddler care.

1040 5. Assisting the provider to implement a preassessment and
 1041 postassessment approved by the office.

1042 6. Responding to Warm-Line requests by providers related
 1043 to school readiness children, including providing developmental
 1044 and health screenings to school readiness children as requested
 1045 under s. 431.29.

1046
 1047 The Office of Early Learning shall ensure that each coalition
 1048 complies with federal requirements for minimum expenditures on
 1049 quality activities as necessary for the state to receive full
 1050 federal funding.

1051 (c) Nondirect services as described in 63 Fed. Reg. 39962-
 1052 39963 (July 24, 1998) and any applicable federal instructions
 1053 issued by the Office of Management and Budget for which
 1054 compliance is required to administer the school readiness
 1055 program. As used in this paragraph, the term "nondirect
 1056 services" does not include payments to school readiness
 1057 providers for direct services provided to eligible children
 1058 pursuant to s. 431.15, administrative activities described in
 1059 paragraph (a), or quality activities described in paragraph (b).

1060 (5) (a) A sliding fee scale percentage shall be provided in
 1061 the General Appropriations Act, which shall be the same for all
 1062 school readiness providers. A parent's copayment for the school
 1063 readiness program shall be determined by multiplying the sliding
 1064 fee scale percentage by the family income and adjusting for

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1065 family size.

1066 (b) Each coalition shall implement the sliding fee scale
 1067 as provided in the General Appropriations Act. A coalition may,
 1068 on a case-by-case basis, waive the copayment for an at-risk
 1069 child or temporarily waive the copayment for a child whose
 1070 family experiences a natural disaster or emergency situation
 1071 such as a household fire or burglary.

1072 (6) (a) An adjusted payment rate percentage shall be
 1073 provided in the General Appropriations Act, which shall be used
 1074 to determine annual payment rates for school readiness
 1075 providers. The annual payment rates for each type of school
 1076 readiness provider and level of care shall be calculated by:

1077 1. Multiplying the prevailing market rate for the
 1078 respective type of school readiness provider and level of care
 1079 by the adjusted payment rate percentage;

1080 2. Adjusting the product of subparagraph 1. by the
 1081 district cost differential as provided in s. 1011.62(2) for the
 1082 county in which the school readiness provider is located; and

1083 3. If the school readiness provider has the Gold Seal
 1084 Quality Care designation under s. 402.281, multiplying the
 1085 product of subparagraph 2. by the Gold Seal premium percentage.

1086 (b) A school readiness provider's total payment for a
 1087 child shall be equal to the payment rate calculated under
 1088 paragraph (a) less the amount of the parent's copayment as
 1089 determined under subsection (5). However, payments made to the
 1090 school readiness provider may not exceed the provider's charges
 1091 to the general public for the same services.

1092 (7) The office may increase the adjusted payment rate

1093 percentage for a specific geographic area to ensure that care
 1094 levels are available throughout the state. Any increase in an
 1095 adjusted payment rate percentage must be funded through the
 1096 current year's appropriation and within each early learning
 1097 coalition's allocation for the affected geographic area.

1098 (8) State funds appropriated for the school readiness
 1099 program may not be used for the construction of new facilities
 1100 or the purchase of buses.

1101 (9) (a) The school readiness program, in accordance with 45
 1102 C.F.R. s. 98.30, shall provide parental choice through a payment
 1103 certificate that ensures, to the maximum extent possible,
 1104 flexibility in the school readiness program and payment
 1105 arrangements. The payment certificate must bear the names of the
 1106 beneficiary and the school readiness provider and, when
 1107 redeemed, must bear the signatures of both the beneficiary and
 1108 the provider's authorized representative.

1109 (b) If it is determined that a school readiness provider
 1110 has given any cash to the beneficiary in return for receiving a
 1111 payment certificate, the coalition or its fiscal agent shall
 1112 refer the matter to the Department of Financial Services
 1113 pursuant to s. 414.411 for investigation.

1114 431.23 Fraudulent submission of false enrollment or
 1115 attendance information.—

1116 (1) To recover state, federal, and local maintenance-of-
 1117 effort and matching funds, the inspector general of the Office
 1118 of Early Learning shall investigate coalitions, recipients, and
 1119 providers of the school readiness program and the Voluntary
 1120 Prekindergarten Education Program to determine possible fraud or

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1121 overpayment. If by its own inquiries, or as a result of a
1122 complaint, the office has reason to believe that a person has
1123 engaged in, or is engaging in a fraudulent act, it shall
1124 investigate and determine whether any overpayment has occurred
1125 due to the fraudulent act. During the investigation, the office
1126 may examine all records, including electronic benefits transfer
1127 records, and make inquiry of all persons who may have knowledge
1128 as to any irregularity incidental to the disbursement of public
1129 moneys or other items or benefit authorizations to recipients.

1130 (2) If the inspector general determines that an
1131 overpayment has occurred due to a fraudulent act, the parent or
1132 provider is responsible for repayment and restitution of any
1133 costs associated with the fraud, and the office shall pursue
1134 collection through any legal means. A provider or parent may not
1135 participate in the program until the repayment is made in full.
1136 Any provider that shares an officer or director with a provider
1137 that is ineligible to participate under this section is not
1138 permitted to participate until repayment is made in full.

1139 (3) Based on the results of the investigation, the
1140 inspector general may, in his or her discretion, refer the
1141 investigation to the Department of Law Enforcement for criminal
1142 prosecution, seek civil enforcement, or refer the matter to the
1143 applicable coalition. Any suspected criminal violation
1144 identified by the inspector general must be referred to the
1145 Department of Legal Affairs for investigation.

1146 (4) If a school readiness provider, after investigation
1147 and adjudication by a court of competent jurisdiction, is
1148 convicted of fraudulently misrepresenting enrollment or

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1149 attendance related to the school readiness program or the
1150 Voluntary Prekindergarten Education Program, the coalition shall
1151 permanently refrain from contracting with, or using the services
1152 of, that provider. In addition, the coalition shall permanently
1153 refrain from contracting with, or using the services of, any
1154 provider that shares an officer or director with a provider that
1155 is convicted of fraudulently misrepresenting enrollment or
1156 attendance related to the school readiness program or the
1157 Voluntary Prekindergarten Education Program.

1158 (5) If the investigation is not confidential or otherwise
1159 exempt from disclosure by law, the results of an investigation
1160 may be reported by the Office of Early Learning to the
1161 appropriate legislative committees, the Department of Education,
1162 the Department of Children and Family Services, and to such
1163 other persons as the office deems appropriate.

1164 (6) A person who commits an act of fraud as defined in s.
1165 431.03 is subject to the penalties provided in s. 414.39(5)(a)
1166 and (b).

1167 431.41 Rulemaking.—In addition to the requirements of s.
1168 120.54, at least 30 days before publication in the Florida
1169 Administrative Weekly of notice of the proposed adoption,
1170 amendment, or repeal of any rule authorized by this chapter, the
1171 office must provide copies of the notice and the proposed rule
1172 to the President of the Senate and the Speaker of the House of
1173 Representatives.

1174 Section 2. Section 411.011, Florida Statutes, is
1175 transferred and renumbered as section 431.21, Florida Statutes,
1176 and subsection (1) and paragraph (g) of subsection (3) of that

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1177 section are amended to read:

1178 431.21 ~~411.011~~ Records of children in the school readiness
1179 program ~~programs~~.

1180 (1) The individual records of children enrolled in the
1181 school readiness program ~~programs~~ provided under this chapter ~~s.~~
1182 ~~411.01~~, held by an early learning coalition or the Office of
1183 Early Learning, are confidential and exempt from s. 119.07(1)
1184 and s. 24(a), Art. I of the State Constitution. For purposes of
1185 this section, records include assessment data, health data,
1186 records of teacher observations, and personal identifying
1187 information.

1188 (3) School readiness records may be released to:

1189 (g) Parties to an interagency agreement among early
1190 learning coalitions, local governmental agencies, school
1191 readiness providers ~~of school readiness programs~~, state
1192 agencies, and the Office of Early Learning for the purpose of
1193 implementing the school readiness program.

1194
1195 Agencies, organizations, or individuals that receive school
1196 readiness records in order to carry out their official functions
1197 must protect the data in a manner that does not permit the
1198 personal identification of a child enrolled in a school
1199 readiness program and his or her parents by persons other than
1200 those authorized to receive the records.

1201 Section 3. Section 411.0101, Florida Statutes, is
1202 transferred and renumbered as section 431.25, Florida Statutes,
1203 and subsection (1) and paragraph (a) of subsection (3) of that
1204 section are amended to read:

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1205 431.25 ~~411.0101~~ Child care and early childhood resource
 1206 and referral.—

1207 (1) As a part of the school readiness program ~~programs~~,
 1208 the Office of Early Learning shall establish a statewide child
 1209 care resource and referral network that is unbiased and provides
 1210 referrals to families for child care. Preference shall be given
 1211 to using the already established early learning coalitions as
 1212 the child care resource and referral agencies. If an early
 1213 learning coalition cannot comply with the requirements to offer
 1214 the resource information component or does not want to offer
 1215 that service, the early learning coalition shall select the
 1216 resource and referral agency for its county or multicounty
 1217 region based upon a request for proposal pursuant to s. 287.057
 1218 ~~s. 411.01(5)(e)1.~~

1219 (3) Child care resource and referral agencies shall
 1220 provide the following services:

1221 (a) Identification of existing public and private child
 1222 care and early childhood education services, including child
 1223 care services by public and private employers, and the
 1224 development of a resource file of those services through the
 1225 single statewide information system developed by the Office of
 1226 Early Learning under s. 431.05(2)(d) ~~s. 411.01(5)(e)1.e.~~ These
 1227 services may include family day care, public and private child
 1228 care programs, the Voluntary Prekindergarten Education Program,
 1229 Head Start, the school readiness program, special education
 1230 programs for prekindergarten children with disabilities,
 1231 services for children with developmental disabilities, full-time
 1232 and part-time programs, before-school and after-school programs,

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1233 vacation care programs, parent education, the Temporary Cash
 1234 Assistance Program, and related family support services. The
 1235 resource file shall include, but not be limited to:

- 1236 1. Type of program.
- 1237 2. Hours of service.
- 1238 3. Ages of children served.
- 1239 4. Number of children served.
- 1240 5. Significant program information.
- 1241 6. Fees and eligibility for services.
- 1242 7. Availability of transportation.

1243 Section 4. Section 411.01013, Florida Statutes, is
 1244 transferred, renumbered as section 431.27, Florida Statutes, and
 1245 amended to read:

1246 431.27 ~~411.01013~~ Prevailing market rate schedule.—

1247 ~~(1) As used in this section, the term:~~

1248 ~~(a) "Market rate" means the price that a child care~~
 1249 ~~provider charges for daily, weekly, or monthly child care~~
 1250 ~~services.~~

1251 ~~(b) "Prevailing market rate" means the annually determined~~
 1252 ~~75th percentile of a reasonable frequency distribution of the~~
 1253 ~~market rate in a predetermined geographic market at which child~~
 1254 ~~care providers charge a person for child care services.~~

1255 ~~(1)(2)~~ The Office of Early Learning shall establish
 1256 ~~procedures for the adoption of a prevailing market rate~~
 1257 ~~schedule. The schedule must include, at a minimum, county by~~
 1258 ~~county rates:~~

1259 ~~(a) At the prevailing market rate, plus the maximum rate,~~
 1260 ~~for child care providers that hold a Gold Seal Quality Care~~

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1261 ~~designation under s. 402.281.~~

1262 ~~(b) At the prevailing market rate for child care providers~~

1263 ~~that do not hold a Gold Seal Quality Care designation.~~

1264 ~~(3) The prevailing market rate schedule, at a minimum,~~

1265 ~~must:~~

1266 (a) Differentiate rates by type, including, but not

1267 limited to, ~~a child care provider that holds a Gold Seal Quality~~

1268 ~~Care designation under s. 402.281,~~ a child care facility

1269 licensed under s. 402.305, a public or nonpublic school exempt

1270 from licensure under s. 402.3025, a faith-based child care

1271 facility exempt from licensure under s. 402.316 ~~that does not~~

1272 ~~hold a Gold Seal Quality Care designation,~~ a large family child

1273 care home licensed under s. 402.3131, or a family day care home

1274 licensed or registered under s. 402.313.

1275 (b) Differentiate rates by the type of child care services

1276 provided for children with special needs or risk categories,

1277 infants, toddlers, preschool-age children, and school-age

1278 children.

1279 (c) Differentiate rates between full-time and part-time

1280 child care services.

1281 ~~(d) Consider discounted rates for child care services for~~

1282 ~~multiple children in a single family.~~

1283 (2)-(4) The prevailing market rate schedule must be based

1284 exclusively on the prices charged for child care services. If a

1285 conflict exists between this subsection and federal

1286 requirements, the federal requirements shall control.

1287 (3)-(5) Each child care and early childhood education

1288 provider that receives school readiness funds must submit its

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1289 market rate by August 1 of each year to the office for inclusion
 1290 in the calculation of the prevailing market rate shall be
 1291 ~~considered by an early learning coalition in the adoption of a~~
 1292 ~~payment schedule in accordance with s. 411.01(5)(c)2.~~

1293 (4)~~(6)~~ The office of ~~Early Learning~~ may contract with one
 1294 or more qualified entities to administer this section and
 1295 provide support and technical assistance for child care
 1296 providers.

1297 (5)~~(7)~~ The office of ~~Early Learning~~ may adopt rules
 1298 ~~pursuant to ss. 120.536(1) and 120.54 for establishing~~
 1299 procedures for the collection of child care providers' market
 1300 rate, the calculation of a reasonable frequency distribution of
 1301 the market rate, and the publication of a prevailing market rate
 1302 schedule.

1303 Section 5. Section 411.01015, Florida Statutes, is
 1304 transferred and renumbered as section 431.29, Florida Statutes,
 1305 and subsection (3) of that section is amended to read:

1306 431.29 ~~411.01015~~ Consultation to child care centers and
 1307 family day care homes regarding health, developmental,
 1308 disability, and special needs issues.-

1309 (3) The office of ~~Early Learning~~ shall annually inform
 1310 child care centers and family day care homes of the availability
 1311 of this service through the child care resource and referral
 1312 network under s. 431.25 ~~s. 411.0101~~.

1313 Section 6. Section 411.0102, Florida Statutes, is
 1314 transferred, renumbered as section 431.31, Florida Statutes, and
 1315 amended to read:

1316 431.31 ~~411.0102~~ Child Care Executive Partnership Act;

1317 findings and intent; grant; limitation; rules.-

1318 ~~(1) This section may be cited as the "Child Care Executive~~
 1319 ~~Partnership Act."~~

1320 (1)~~(2)~~(a) The Legislature finds that when private
 1321 employers provide onsite child care or provide other child care
 1322 benefits, they benefit by improved recruitment and higher
 1323 retention rates for employees, lower absenteeism, and improved
 1324 employee morale. The Legislature also finds that there are many
 1325 ways in which private employers can provide child care
 1326 assistance to employees: information and referral, vouchering,
 1327 employer contribution to child care programs, and onsite care.
 1328 Private employers can offer child care as part of a menu of
 1329 employee benefits. The Legislature recognizes that flexible
 1330 compensation programs providing a child care option are
 1331 beneficial to the private employer through increased
 1332 productivity, to the private employee in knowing that his or her
 1333 children are being cared for in a safe and nurturing
 1334 environment, and to the state in more dollars being available
 1335 for purchasing power and investment.

1336 (b) It is the intent of the Legislature to promote public-
 1337 private ~~public/private~~ partnerships to ensure that the children
 1338 of the state be provided safe and enriching child care at any
 1339 time, but especially while parents work to remain self-
 1340 sufficient. It is the intent of the Legislature that private
 1341 employers be encouraged to participate in the future of this
 1342 state by providing employee child care benefits. Further, it is
 1343 the intent of the Legislature to encourage private employers to
 1344 explore innovative ways to assist employees to obtain quality

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1345 child care.

1346 (c) The Legislature further recognizes that many parents
1347 need assistance in paying the full costs of quality child care.
1348 The public and private sectors, by working in partnership, can
1349 promote and improve access to quality child care and early
1350 education for children of working families who need it.
1351 Therefore, a more formal mechanism is necessary to stimulate the
1352 establishment of public-private partnerships. It is the intent
1353 of the Legislature to expand the availability of scholarship
1354 options for working families by providing incentives for
1355 employers to contribute to meeting the needs of their employees'
1356 families through matching public dollars available for child
1357 care.

1358 (2) (a) (3) The office ~~There is created a body politic and~~
1359 ~~corporate known as the Child Care Executive Partnership which~~
1360 ~~shall establish and~~ govern the Child Care Executive Partnership
1361 Program. The purpose of the Child Care Executive Partnership
1362 Program is to utilize state and federal funds as incentives for
1363 matching local funds derived from local governments, employers,
1364 charitable foundations, and other sources so that Florida
1365 communities may create local flexible partnerships with
1366 employers. The Child Care Executive Partnership Program funds
1367 shall be used at the discretion of local communities to meet the
1368 needs of working parents. A child care purchasing pool shall be
1369 developed with the state, federal, and local funds to provide
1370 subsidies to low-income working parents whose family income does
1371 not exceed the allowable income for any federally subsidized
1372 child care program with a dollar-for-dollar match from

1373 employers, local government, and other matching contributions.
 1374 The funds used from the child care purchasing pool must be used
 1375 to supplement or extend the use of existing public or private
 1376 funds.

1377 ~~(4) The Child Care Executive Partnership, staffed by the~~
 1378 ~~Office of Early Learning, shall consist of a representative of~~
 1379 ~~the Executive Office of the Governor and nine members of the~~
 1380 ~~corporate or child care community, appointed by the Governor.~~

1381 ~~(a) Members shall serve for a period of 4 years, except~~
 1382 ~~that the representative of the Executive Office of the Governor~~
 1383 ~~shall serve at the pleasure of the Governor.~~

1384 ~~(b) The Child Care Executive Partnership shall be chaired~~
 1385 ~~by a member chosen by a majority vote and shall meet at least~~
 1386 ~~quarterly and at other times upon the call of the chair. The~~
 1387 ~~Child Care Executive Partnership may use any method of~~
 1388 ~~telecommunications to conduct meetings, including establishing a~~
 1389 ~~quorum through telecommunications, only if the public is given~~
 1390 ~~proper notice of a telecommunications meeting and reasonable~~
 1391 ~~access to observe and, when appropriate, participate.~~

1392 ~~(c) Members shall serve without compensation, but may be~~
 1393 ~~reimbursed for per diem and travel expenses in accordance with~~
 1394 ~~s. 112.061.~~

1395 ~~(d) The Child Care Executive Partnership shall have all~~
 1396 ~~the powers and authority, not explicitly prohibited by statute,~~
 1397 ~~necessary to carry out and effectuate the purposes of this~~
 1398 ~~section, as well as the functions, duties, and responsibilities~~
 1399 ~~of the partnership, including, but not limited to, the~~
 1400 ~~following:~~

- 1401 ~~1. Assisting in the formulation and coordination of the~~
 1402 ~~state's child care policy.~~
- 1403 ~~2. Adopting an official seal.~~
- 1404 ~~3. Soliciting, accepting, receiving, investing, and~~
 1405 ~~expending funds from public or private sources.~~
- 1406 ~~4. Contracting with public or private entities as~~
 1407 ~~necessary.~~
- 1408 ~~5. Approving an annual budget.~~
- 1409 ~~6. Carrying forward any unexpended state appropriations~~
 1410 ~~into succeeding fiscal years.~~
- 1411 ~~7. Providing a report to the Governor, the Speaker of the~~
 1412 ~~House of Representatives, and the President of the Senate, on or~~
 1413 ~~before December 1 of each year.~~
- 1414 ~~(5) (a) The Legislature shall annually determine the amount~~
 1415 ~~of state or federal low-income child care moneys which shall be~~
 1416 ~~used to create Child Care Executive Partnership Program child~~
 1417 ~~care purchasing pools in counties chosen by the Child Care~~
 1418 ~~Executive Partnership, provided that at least two of the~~
 1419 ~~counties have populations of no more than 300,000. The~~
 1420 ~~Legislature shall annually review the effectiveness of the child~~
 1421 ~~care purchasing pool program and reevaluate the percentage of~~
 1422 ~~additional state or federal funds, if any, which can be used for~~
 1423 ~~the program's expansion.~~
- 1424 (b) To ensure a seamless service delivery and ease of
 1425 access for families, an early learning coalition or the office
 1426 of ~~Early Learning~~ shall administer the child care purchasing
 1427 pool funds.
- 1428 (c) The office of ~~Early Learning~~, in conjunction with the

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1429 ~~Child Care Executive Partnership,~~ shall adopt rules ~~develop~~
1430 ~~procedures~~ for the disbursement of Child Care Executive
1431 Partnership Program funds ~~through the child care purchasing~~
1432 ~~pools~~. In order to be considered for funding, an early learning
1433 coalition or the office ~~of Early Learning~~ must commit to:

1434 1. Matching the state purchasing pool funds on a dollar-
1435 for-dollar basis; and

1436 2. Expending only those public funds that are matched by
1437 employers, local government, and other matching contributors who
1438 contribute to the purchasing pool. Parents shall also pay a fee,
1439 which may not be less than the amount identified in the ~~early~~
1440 ~~learning coalition's~~ school readiness program sliding fee scale.

1441 ~~(d) Each early learning coalition shall establish a~~
1442 ~~community child care task force for each child care purchasing~~
1443 ~~pool. The task force must be composed of employers, parents,~~
1444 ~~private child care providers, and one representative from the~~
1445 ~~local children's services council, if one exists in the area of~~
1446 ~~the purchasing pool. The early learning coalition is expected to~~
1447 ~~recruit the task force members from existing child care~~
1448 ~~councils, commissions, or task forces already operating in the~~
1449 ~~area of a purchasing pool. A majority of the task force shall~~
1450 ~~consist of employers.~~

1451 (d)-(e) Each participating ~~early learning~~ coalition board
1452 shall develop a plan for the use of child care purchasing pool
1453 funds. The plan must show how many children will be served by
1454 the purchasing pool, how many will be new to receiving child
1455 care services, and how the early learning coalition intends to
1456 attract new employers and their employees to the program.

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1457 ~~(6) The Office of Early Learning shall adopt any rules~~
 1458 ~~necessary for the implementation and administration of this~~
 1459 ~~section.~~

1460 (3) Child Care Executive Partnership Program funds are
 1461 subject to the funding requirements of s. 431.19.

1462 (4) The office shall report the activities and detailed
 1463 expenditures related to the Child Care Executive Partnership
 1464 Program in the annual report required under s. 431.05(10). Each
 1465 coalition receiving Child Care Executive Partnership Program
 1466 funds shall include a summary of related activities and detailed
 1467 expenditures associated with this program in its annual report
 1468 required under s. 431.11(15)(b).

1469 Section 7. Section 411.0103, Florida Statutes, is
 1470 transferred and renumbered as section 431.33, Florida Statutes.

1471 Section 8. Section 411.0105, Florida Statutes, is
 1472 transferred and renumbered as section 431.35, Florida Statutes.

1473 Section 9. Section 411.0106, Florida Statutes, is
 1474 transferred, renumbered as section 431.37, Florida Statutes, and
 1475 amended to read:

1476 431.37 ~~411.0106~~ Infants and toddlers in state-funded
 1477 education and care programs; brain development activities.—Each
 1478 state-funded education and care program for children from birth
 1479 to 5 years of age must provide activities to foster brain
 1480 development in infants and toddlers. A program must provide an
 1481 environment that helps children attain the child development
 1482 ~~performance~~ standards adopted by the office of ~~Early Learning~~
 1483 under s. 431.05(6) ~~s. 411.01(4)(d)8.~~ and must be rich in
 1484 language and music and filled with objects of various colors,

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1485 shapes, textures, and sizes to stimulate visual, tactile,
 1486 auditory, and linguistic senses in the children and must include
 1487 classical music and at least 30 minutes of reading to the
 1488 children each day. A program may be offered through an existing
 1489 early childhood program such as Healthy Start, the Title I
 1490 program, the school readiness program, the Head Start program,
 1491 or a private child care program. A program must provide training
 1492 for the infants' and toddlers' parents including direct dialogue
 1493 and interaction between teachers and parents demonstrating the
 1494 urgency of brain development in the first year of a child's
 1495 life. Family day care centers are encouraged, but not required,
 1496 to comply with this section.

1497 Section 10. Section 1002.77, Florida Statutes, is
 1498 transferred, renumbered as section 431.39, Florida Statutes, and
 1499 subsections (1) and (3) of that section are amended to read:

1500 431.39 ~~1002.77~~ Florida Early Learning Advisory Council.—

1501 (1) There is created the Florida Early Learning Advisory
 1502 Council within the Office of Early Learning. The purpose of the
 1503 advisory council is to share best practices ~~submit~~
 1504 ~~recommendations to the department on the early learning policy~~
 1505 ~~of this state, including recommendations~~ relating to effective
 1506 administration of the Voluntary Prekindergarten Education
 1507 Program under part V of chapter 1002 ~~this part~~ and the school
 1508 readiness program ~~programs~~ under this chapter ~~s. 411.01~~.

1509 (3) The advisory council shall meet at least annually
 1510 ~~quarterly but may meet as often as necessary~~ to carry out its
 1511 duties and responsibilities.

1512 Section 11. Paragraph (i) of subsection (3) of

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1513 section 1002.55, Florida Statutes, is redesignated as
 1514 paragraph (j), and a new paragraph (i) is added to that
 1515 subsection, to read:

1516 1002.55 School-year prekindergarten program delivered by
 1517 private prekindergarten providers.—

1518 (3) To be eligible to deliver the prekindergarten program,
 1519 a private prekindergarten provider must meet each of the
 1520 following requirements:

1521 (i) The private prekindergarten provider must execute the
 1522 statewide provider agreement prescribed under s. 1002.64, except
 1523 that an individual who owns or operates multiple private
 1524 prekindergarten providers within a coalition's service area may
 1525 execute a single agreement with the coalition on behalf of each
 1526 provider.

1527 Section 12. Subsection (3) of section 1002.61, Florida
 1528 Statutes, is amended to read:

1529 1002.61 Summer prekindergarten program delivered by public
 1530 schools and private prekindergarten providers.—

1531 (3) (a) Each district school board shall determine which
 1532 public schools in the school district are eligible to deliver
 1533 the summer prekindergarten program. The school district shall
 1534 use educational facilities available in the public schools
 1535 during the summer term for the summer prekindergarten program.

1536 (b) Each public school delivering the summer
 1537 prekindergarten program must execute the statewide provider
 1538 agreement prescribed under s. 1002.64, except that the school
 1539 district may execute a single agreement with the early learning
 1540 coalition on behalf of all district schools.

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1541 ~~(c) (b)~~ Except as provided in this section, to be eligible
 1542 to deliver the summer prekindergarten program, a private
 1543 prekindergarten provider must meet each requirement in s.
 1544 1002.55.

1545 Section 13. Subsection (3) of section 1002.63, Florida
 1546 Statutes, is amended to read:

1547 1002.63 School-year prekindergarten program delivered by
 1548 public schools.—

1549 (3) (a) The district school board of each school district
 1550 shall determine which public schools in the district may deliver
 1551 the prekindergarten program during the school year.

1552 (b) Each public school delivering the school-year
 1553 prekindergarten program must execute the statewide provider
 1554 agreement prescribed under s. 1002.64, except that the school
 1555 district may execute a single agreement with the early learning
 1556 coalition on behalf of all district schools.

1557 Section 14. Section 1002.64, Florida Statutes, is created
 1558 to read:

1559 1002.64 Statewide provider agreement.—

1560 (1) (a) The Office of Early Learning shall adopt rules
 1561 prescribing the statewide provider agreement for the Voluntary
 1562 Prekindergarten Education Program.

1563 (b) An early learning coalition must use the statewide
 1564 provider agreement to annually contract with each private
 1565 prekindergarten provider and public school that delivers the
 1566 Voluntary Prekindergarten Education Program within the
 1567 coalition's service area.

1568 (c) The rules must prescribe a standardized uniform format

1569 for the statewide provider agreement. An early learning
 1570 coalition may not omit, supplement, or amend any provision of
 1571 the statewide provider agreement. In addition, an early learning
 1572 coalition may not insert or append attachments, addenda, or
 1573 exhibits to the statewide provider agreement.

1574 (2) The statewide provider agreement must include:

1575 (a) Child eligibility and enrollment procedures and
 1576 requirements under s. 1002.53.

1577 (b) Student reenrollment requirements under s. 1002.71.

1578 (c) Eligibility requirements for private prekindergarten
 1579 providers and public schools delivering the program under ss.
 1580 1002.55, 1002.61, 1002.63, and 1002.66.

1581 (d) Program performance and accountability requirements
 1582 under ss. 1002.67 and 1002.69.

1583 (e) Requirements for the maintenance of records and data
 1584 and the confidentiality of such information.

1585 (f) Provisions requiring compliance with the
 1586 antidiscrimination requirements of s. 1002.53(6)(c).

1587 (g) Provisions prohibiting a private prekindergarten
 1588 provider or public school from requiring payment of any fee or
 1589 charge that is inconsistent with s. 1002.71(8)(a).

1590 (h) Provisions prohibiting a private prekindergarten
 1591 provider or public school from requiring a child's enrollment in
 1592 or payment of any fee or charge for supplemental services in a
 1593 manner that is inconsistent with s. 1002.71(8)(b).

1594 (i) Requirements for notifications between the early
 1595 learning coalition, the private prekindergarten provider or
 1596 public school, and the parent, which may include, but are not

1597 limited to:

1598 1. Changes to information submitted in the private

1599 prekindergarten provider's or public school's registration form

1600 or the prekindergarten class registration.

1601 2. A parent's withdrawal of his or her child from the

1602 program or a private prekindergarten provider's or public

1603 school's dismissal of a child under s. 1002.71.

1604 3. Temporary closure of a private prekindergarten

1605 provider's facility and subsequent reopening of the facility.

1606 (j) Procedures for the reporting and certification of

1607 student attendance under s. 1002.71.

1608 (k) Specific grounds for termination of the agreement.

1609 (l) Dispute resolution procedures.

1610 (m) Provisions under which the private prekindergarten

1611 provider, public school, or school district indemnifies the

1612 early learning coalition from liability arising under the

1613 agreement.

1614 (3) (a) An early learning coalition may not execute the

1615 statewide provider agreement with a private prekindergarten

1616 provider before the coalition determines that the provider is

1617 eligible to deliver the Voluntary Prekindergarten Education

1618 Program under s. 1002.55 or s. 1002.61.

1619 (b) An early learning coalition shall make available to

1620 the Office of Early Learning a copy of each fully executed and

1621 dated agreement. The coalition shall provide a copy of the

1622 executed agreement to the private prekindergarten provider,

1623 public school, or school district that executed the agreement.

1624 The coalition shall maintain the executed agreement in the

1625 coalition's records.

1626 (c) A private prekindergarten provider or public school
 1627 may not deliver the Voluntary Prekindergarten Education Program
 1628 until the statewide provider agreement is fully executed.

1629 (4) In addition to the requirements of s. 120.54, at least
 1630 30 days before publication in the Florida Administrative Weekly
 1631 of notice of the proposed adoption, amendment, or repeal of any
 1632 rule prescribing the statewide provider agreement, the Office of
 1633 Early Learning must provide copies of the notice and the
 1634 proposed rule to the President of the Senate and the Speaker of
 1635 the House of Representatives. The Office of Early Learning shall
 1636 also publish a copy of the statewide provider agreement on its
 1637 Internet website and provide a copy of the agreement to each
 1638 early learning coalition.

1639 Section 15. Paragraph (c) of subsection (3) and paragraph
 1640 (a) of subsection (5) of section 1002.71, Florida Statutes, are
 1641 amended, and subsection (10) is added to that section, to read:

1642 1002.71 Funding; financial and attendance reporting.—

1643 (3)

1644 (c) The initial allocation shall be based on estimated
 1645 student enrollment in the Voluntary Prekindergarten Education
 1646 Program in each coalition service area. The Office of Early
 1647 Learning shall reallocate funds among the coalitions based on
 1648 actual full-time equivalent student enrollment in the Voluntary
 1649 Prekindergarten Education Program in each coalition service
 1650 area. Each early learning coalition shall submit monthly reports
 1651 of student enrollment to the Office of Early Learning in
 1652 accordance with subsection (2). A student enrollment report may

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1653 not be amended after December 31 for the prior fiscal year.

1654 (5) (a) Each early learning coalition shall maintain
 1655 through the single point of entry established under s.
 1656 431.05(2)(d) ~~s. 411.01~~ a current database of the students
 1657 enrolled in the Voluntary Prekindergarten Education Program for
 1658 each county within the coalition's region.

1659 (10) The Auditor General shall conduct audits of early
 1660 learning coalitions as provided in s. 11.45.

1661 Section 16. Subsections (1) and (4) of section 1002.75,
 1662 Florida Statutes, are amended to read:

1663 1002.75 Office of Early Learning; powers and duties;
 1664 operational requirements.—

1665 (1) The Office of Early Learning shall:

1666 (a) Administer the operational requirements of the
 1667 Voluntary Prekindergarten Education Program at the state level.

1668 (b) Monitor and evaluate the performance of each early
 1669 learning coalition and of the coalition's finances and
 1670 operations related to administration of the Voluntary
 1671 Prekindergarten Education Program.

1672 (4) The Office of Early Learning shall also adopt
 1673 procedures for the office's ~~agency's~~ distribution of funds to
 1674 early learning coalitions under s. 1002.71.

1675 Section 17. Paragraph (p) of subsection (3) of section
 1676 11.45, Florida Statutes, is amended to read:

1677 11.45 Definitions; duties; authorities; reports; rules.—

1678 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 1679 Auditor General may, pursuant to his or her own authority, or at
 1680 the direction of the Legislative Auditing Committee, conduct

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1681 audits or other engagements as determined appropriate by the
1682 Auditor General of:

1683 (p) The school readiness system, including the early
1684 learning coalitions, created under chapter 431 ~~s. 411.01~~.

1685 Section 18. Paragraph (h) of subsection (3) of section
1686 20.15, Florida Statutes, is amended to read:

1687 20.15 Department of Education.—There is created a
1688 Department of Education.

1689 (3) DIVISIONS.—The following divisions of the Department
1690 of Education are established:

1691 (h) The Office of Early Learning, which shall administer
1692 the school readiness system in accordance with chapter 431 ~~s.~~
1693 ~~411.01~~ and the operational requirements of the Voluntary
1694 Prekindergarten Education Program in accordance with part V of
1695 chapter 1002. The office is a separate budget entity and is not
1696 subject to control, supervision, or direction by the Department
1697 of Education or the State Board of Education in any manner
1698 including, but not limited to, personnel, purchasing,
1699 transactions involving personal property, and budgetary matters.
1700 The office director shall be appointed by the Governor and
1701 confirmed by the Senate, shall serve at the pleasure of the
1702 Governor, and shall be the agency head of the office for all
1703 purposes. The office shall enter into a service agreement with
1704 the department for professional, technological, and
1705 administrative support services. The office shall be subject to
1706 review and oversight by the Chief Inspector General or his or
1707 her designee.

1708 Section 19. Subsection (8) of section 216.136, Florida

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1709 Statutes, is amended to read:

1710 216.136 Consensus estimating conferences; duties and
1711 principals.—

1712 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

1713 (a) The Early Learning Programs Estimating Conference
1714 shall develop estimates and forecasts of the unduplicated count
1715 of children eligible for the school readiness program ~~programs~~
1716 in accordance with the standards of eligibility established in
1717 s. 431.13 ~~s. 411.01(6)~~, and of children eligible for the
1718 Voluntary Prekindergarten Education Program in accordance with
1719 s. 1002.53(2), as the conference determines are needed to
1720 support the state planning, budgeting, and appropriations
1721 processes.

1722 (b) The Office of Early Learning shall provide information
1723 on needs and waiting lists for the school readiness program
1724 ~~programs~~, and information on the needs for the Voluntary
1725 Prekindergarten Education Program, as requested by the Early
1726 Learning Programs Estimating Conference or individual conference
1727 principals in a timely manner.

1728 Section 20. Subsection (9) of section 402.302, Florida
1729 Statutes, is amended to read:

1730 402.302 Definitions.—As used in this chapter, the term:

1731 (9) "Household children" means children who are related by
1732 blood, marriage, or legal adoption to, or who are the legal
1733 wards of, the family day care home operator, the large family
1734 child care home operator, or an adult household member who
1735 permanently or temporarily resides in the home. Supervision of
1736 the operator's household children shall be left to the

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1737 discretion of the operator unless those children receive
 1738 subsidized child care through the school readiness program
 1739 pursuant to s. 431.23 ~~s. 411.0101~~ to be in the home.

1740 Section 21. Paragraph (a) of subsection (2) of section
 1741 490.014, Florida Statutes, is amended to read:

1742 490.014 Exemptions.—

1743 (2) No person shall be required to be licensed or
 1744 provisionally licensed under this chapter who:

1745 (a) Is a salaried employee of a government agency; a
 1746 developmental disability facility or program; a mental health,
 1747 alcohol, or drug abuse facility operating under chapter 393,
 1748 chapter 394, or chapter 397; the statewide child care resource
 1749 and referral network operating under s. 431.25 ~~s. 411.0101~~; a
 1750 child-placing or child-caring agency licensed pursuant to
 1751 chapter 409; a domestic violence center certified pursuant to
 1752 chapter 39; an accredited academic institution; or a research
 1753 institution, if such employee is performing duties for which he
 1754 or she was trained and hired solely within the confines of such
 1755 agency, facility, or institution, so long as the employee is not
 1756 held out to the public as a psychologist pursuant to s.
 1757 490.012(1)(a).

1758 Section 22. Paragraph (a) of subsection (4) of section
 1759 491.014, Florida Statutes, is amended to read:

1760 491.014 Exemptions.—

1761 (4) No person shall be required to be licensed,
 1762 provisionally licensed, registered, or certified under this
 1763 chapter who:

1764 (a) Is a salaried employee of a government agency; a

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1765 developmental disability facility or program; a mental health,
 1766 alcohol, or drug abuse facility operating under chapter 393,
 1767 chapter 394, or chapter 397; the statewide child care resource
 1768 and referral network operating under s. 431.25 ~~s. 411.0101~~; a
 1769 child-placing or child-caring agency licensed pursuant to
 1770 chapter 409; a domestic violence center certified pursuant to
 1771 chapter 39; an accredited academic institution; or a research
 1772 institution, if such employee is performing duties for which he
 1773 or she was trained and hired solely within the confines of such
 1774 agency, facility, or institution, so long as the employee is not
 1775 held out to the public as a clinical social worker, mental
 1776 health counselor, or marriage and family therapist.

1777 Section 23. Subsection (4) of section 1002.51, Florida
 1778 Statutes, is amended to read:

1779 1002.51 Definitions.—As used in this part, the term:

1780 (4) "Early learning coalition" or "coalition" means an
 1781 early learning coalition established ~~created~~ under s. 431.07 ~~s.~~
 1782 ~~411.01~~.

1783 Section 24. Paragraph (a) of subsection (4) of section
 1784 1002.53, Florida Statutes, is amended to read:

1785 1002.53 Voluntary Prekindergarten Education Program;
 1786 eligibility and enrollment.—

1787 (4) (a) Each parent enrolling a child in the Voluntary
 1788 Prekindergarten Education Program must complete and submit an
 1789 application to the early learning coalition through the single
 1790 point of entry established under s. 431.05(2)(d) ~~s. 411.01~~.

1791 Section 25. Paragraph (d) of subsection (3) of section
 1792 1002.67, Florida Statutes, is amended to read:

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1793 | 1002.67 Performance standards; curricula and
 1794 | accountability.—

1795 | (3)

1796 | (d) Each early learning coalition, the Office of Early
 1797 | Learning, and the department shall coordinate with the Child
 1798 | Care Services Program Office of the Department of Children and
 1799 | Family Services to minimize interagency duplication of
 1800 | activities for monitoring private prekindergarten providers for
 1801 | compliance with requirements of the Voluntary Prekindergarten
 1802 | Education Program under this part, the school readiness program
 1803 | ~~programs~~ under chapter 431 s. 411.01, and the licensing of
 1804 | providers under ss. 402.301-402.319.

1805 | Section 26. Subsection (4) of section 1006.03, Florida
 1806 | Statutes, is amended to read:

1807 | 1006.03 Diagnostic and learning resource centers.—

1808 | (4) Diagnostic and learning resource centers may assist
 1809 | districts in providing testing and evaluation services for
 1810 | infants and preschool children with or at risk of developing
 1811 | disabilities, and may assist districts in providing
 1812 | interdisciplinary training and resources to parents of infants
 1813 | and preschool children with or at risk of developing
 1814 | disabilities and to the school readiness program ~~programs~~.

1815 | Section 27. Sections 411.01, 411.01014, 411.0104, 445.023,
 1816 | 445.032, and 1002.65, Florida Statutes, are repealed.

1817 | Section 28. This act shall take effect July 1, 2012.