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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2013	.	
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	.	
	.	

Appropriations Subcommittee on Education (Legg) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 1001.213, Florida Statutes, is created to read:

1001.213 Office of Early Learning.—The Office of Early Learning is created within the Department of Education’s Office of Independent Education and Parental Choice. The Office of Early Learning, which shall be administered by an executive director, is fully accountable to the Commissioner of Education but shall:



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13 (1) Independently exercise all powers, duties, and
14 functions prescribed by law and shall not be construed as part
15 of the K-20 education system.

16 (2) Adopt rules for the establishment and operation of the
17 school readiness program and the Voluntary Prekindergarten
18 Education Program. The office shall submit the rules to the
19 State Board of Education for approval or disapproval. If the
20 state board does not act on a rule within 60 days after receipt,
21 the rule shall be filed immediately with the Department of
22 State.

23 (3) In compliance with part VI of chapter 1002 and its
24 powers and duties under s. 1002.82, administer the school
25 readiness program at the state level for the state's eligible
26 population described in s. 1002.87 and provide guidance to early
27 learning coalitions in the implementation of the program.

28 (4) In compliance with parts V and VI of chapter 1002 and
29 its powers and duties under s. 1002.75, administer the Voluntary
30 Prekindergarten Education Program at the state level.

31 (5) Administer the operational requirements of the child
32 care resource and referral network at the state level.

33 (6) Keep administrative staff to the minimum necessary to
34 administer the duties of the office.

35 Section 2. Subsection (4) of section 1002.51, Florida
36 Statutes, is amended, and subsection (8) is added to that
37 section, to read:

38 1002.51 Definitions.—As used in this part, the term:

39 (4) "Early learning coalition" or "coalition" means an
40 early learning coalition created under s. 1002.83 ~~411.01~~.

41 (8) "Office" means the Office of Early Learning within the



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42 Department of Education's Office of Independent Education and
43 Parental Choice.

44 Section 3. Paragraph (a) of subsection (4) and paragraph
45 (b) of subsection (6) of section 1002.53, Florida Statutes, are
46 amended to read:

47 1002.53 Voluntary Prekindergarten Education Program;
48 eligibility and enrollment.—

49 (4) (a) Each parent enrolling a child in the Voluntary
50 Prekindergarten Education Program must complete and submit an
51 application to the early learning coalition through the single
52 point of entry established under s. 1002.82 ~~411.01~~.

53 (6) (b) A parent may enroll his or her child with any public
54 school within the school district which is eligible to deliver
55 the Voluntary Prekindergarten Education Program under this part,
56 subject to available space. Each school district may limit the
57 number of students admitted by any public school for enrollment
58 in the school-year program; however, the school district must
59 provide for the admission of every eligible child within the
60 district whose parent enrolls the child in a summer
61 prekindergarten program delivered by a public school under s.
62 1002.61.

63 Section 4. Paragraphs (c) and (g) of subsection (3) of
64 section 1002.55, Florida Statutes, are amended, present
65 paragraph (i) of that subsection is redesignated as paragraph
66 (m), and new paragraphs (i), (j), (k), and (l) are added to that
67 subsection, to read:

68 1002.55 School-year prekindergarten program delivered by
69 private prekindergarten providers.—

70 (3) To be eligible to deliver the prekindergarten program,



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71 a private prekindergarten provider must meet each of the
72 following requirements:

73 (c) The private prekindergarten provider must have, for
74 each prekindergarten class of 11 children or fewer, at least one
75 prekindergarten instructor who meets each of the following
76 requirements:

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

79 a. A child development associate credential issued by the
80 National Credentialing Program of the Council for Professional
81 Recognition; or

82 b. A credential approved by the Department of Children and
83 Families ~~Family Services~~ as being equivalent to or greater than
84 the credential described in sub-subparagraph a.

85
86 The Department of Children and Families ~~Family Services~~ may
87 adopt rules under ss. 120.536(1) and 120.54 which provide
88 criteria and procedures for approving equivalent credentials
89 under sub-subparagraph b.

90 2. The prekindergarten instructor must successfully
91 complete an emergent literacy training course and a student
92 performance standards training course approved by the office
93 ~~department~~ as meeting or exceeding the minimum standards adopted
94 under s. 1002.59. The requirement for completion of the
95 standards training course shall take effect July 1, 2014, and
96 the course shall be available online. ~~This subparagraph does not~~
97 ~~apply to a prekindergarten instructor who successfully completes~~
98 ~~approved training in early literacy and language development~~
99 ~~under s. 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5)~~



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100 ~~before the establishment of one or more emergent literacy~~
101 ~~training courses under s. 1002.59 or April 1, 2005, whichever~~
102 ~~occurs later.~~

103 (g) ~~Before the beginning of the 2006-2007 school year,~~ The
104 private prekindergarten provider must have a prekindergarten
105 director who has a prekindergarten director credential that is
106 approved by the office ~~department~~ as meeting or exceeding the
107 minimum standards adopted under s. 1002.57. Successful
108 completion of a child care facility director credential under s.
109 402.305(2) (f) before the establishment of the prekindergarten
110 director credential under s. 1002.57 or July 1, 2006, whichever
111 occurs later, satisfies the requirement for a prekindergarten
112 director credential under this paragraph.

113 (i) The private prekindergarten provider must execute the
114 statewide provider contract prescribed under s. 1002.75, except
115 that an individual who owns or operates multiple private
116 prekindergarten providers within a coalition's service area may
117 execute a single agreement with the coalition on behalf of each
118 provider.

119 (j) The private prekindergarten provider must maintain
120 general liability insurance and provide the coalition with
121 written evidence of general liability insurance coverage,
122 including coverage for transportation of children if
123 prekindergarten students are transported by the provider. A
124 provider must obtain and retain an insurance policy that
125 provides a minimum of \$100,000 of coverage per occurrence and a
126 minimum of \$300,000 general aggregate coverage. The office may
127 authorize lower limits upon request, as appropriate. A provider
128 must add the coalition as a named certificateholder and as an



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129 additional insured. A provider must provide the coalition with a
130 minimum of 10 calendar days' advance written notice of
131 cancellation of or changes to coverage. The general liability
132 insurance required by this paragraph must remain in full force
133 and effect for the entire period of the provider contract with
134 the coalition.

135 (k) The private prekindergarten provider must obtain and
136 maintain any required workers' compensation insurance under
137 chapter 440 and any required reemployment assistance or
138 unemployment compensation coverage under chapter 443.

139 (l) Notwithstanding paragraph (j), for a private
140 prekindergarten provider that is a state agency or a subdivision
141 thereof, as defined in s. 768.28(2), the provider must agree to
142 notify the coalition of any additional liability coverage
143 maintained by the provider in addition to that otherwise
144 established under s. 768.28. The provider shall indemnify the
145 coalition to the extent permitted by s. 768.28.

146 Section 5. Subsection (1) of section 1002.57, Florida
147 Statutes, is amended to read:

148 1002.57 Prekindergarten director credential.—

149 (1) ~~By July 1, 2006, The~~ office, in consultation with the
150 Department of Children and Families, ~~department~~ shall adopt
151 minimum standards for a credential for prekindergarten directors
152 of private prekindergarten providers delivering the Voluntary
153 Prekindergarten Education Program. The credential must encompass
154 requirements for education and onsite experience.

155 Section 6. Section 1002.59, Florida Statutes, is amended to
156 read:

157 1002.59 Emergent literacy and performance standards



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158 training courses.—

159 (1) By April 1, 2005, The office department shall adopt
160 minimum standards for one or more training courses in emergent
161 literacy for prekindergarten instructors. Each course must
162 comprise 5 clock hours and provide instruction in strategies and
163 techniques to address the age-appropriate progress of
164 prekindergarten students in developing emergent literacy skills,
165 including oral communication, knowledge of print and letters,
166 phonemic and phonological awareness, and vocabulary and
167 comprehension development. Each course must also provide
168 resources containing strategies that allow students with
169 disabilities and other special needs to derive maximum benefit
170 from the Voluntary Prekindergarten Education Program. Successful
171 completion of an emergent literacy training course approved
172 under this section satisfies requirements for approved training
173 in early literacy and language development under ss.
174 402.305(2)(d)5., 402.313(6), and 402.3131(5).

175 (2) The office shall adopt minimum standards for one or
176 more training courses on the performance standards adopted under
177 s. 1002.67(1). Each course must comprise at least 3 clock hours,
178 provide instruction in strategies and techniques to address age-
179 appropriate progress of each child in attaining the standards,
180 and be available online.

181 Section 7. Subsections (3), (4), and (8) of section
182 1002.61, Florida Statutes, are amended to read:

183 1002.61 Summer prekindergarten program delivered by public
184 schools and private prekindergarten providers.—

185 (3)(a) Each district school board shall determine which
186 public schools in the school district are eligible to deliver



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187 the summer prekindergarten program. The school district shall
188 use educational facilities available in the public schools
189 during the summer term for the summer prekindergarten program.

190 (b) Each public school delivering the summer
191 prekindergarten program must execute the statewide provider
192 contract prescribed under s. 1002.75, except that the school
193 district may execute a single agreement with the early learning
194 coalition on behalf of all district schools.

195 (c) ~~(b)~~ Except as provided in this section, to be eligible
196 to deliver the summer prekindergarten program, a private
197 prekindergarten provider must meet each requirement in s.
198 1002.55.

199 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),
200 each public school and private prekindergarten provider must
201 have, for each prekindergarten class, at least one
202 prekindergarten instructor who~~+~~

203 ~~(a)~~ is a certified teacher~~+~~ or

204 ~~(b)~~ holds one of the educational credentials specified in
205 s. 1002.55(4)(a) or (b). As used in this subsection, the term
206 "certified teacher" means a teacher holding a valid Florida
207 educator certificate under s. 1012.56 who has the qualifications
208 required by the district school board to instruct students in
209 the summer prekindergarten program. In selecting instructional
210 staff for the summer prekindergarten program, each school
211 district shall give priority to teachers who have experience or
212 coursework in early childhood education.

213 (8) Each public school delivering the summer
214 prekindergarten program must also~~+~~

215 ~~(a)~~ register with the early learning coalition on forms



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216 prescribed by the Office of Early Learning~~+~~ and
217 ~~(b)~~ deliver the Voluntary Prekindergarten Education Program
218 in accordance with this part.

219 Section 8. Subsections (3) and (8) of section 1002.63,
220 Florida Statutes, are amended to read:

221 1002.63 School-year prekindergarten program delivered by
222 public schools.-

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

226 (b) Each public school delivering the school-year
227 prekindergarten program must execute the statewide provider
228 contract prescribed under s. 1002.75, except that the school
229 district may execute a single agreement with the early learning
230 coalition on behalf of all district schools.

231 (8) Each public school delivering the school-year
232 prekindergarten program must~~+~~

233 ~~(a)~~ register with the early learning coalition on forms
234 prescribed by the Office of Early Learning~~+~~ and

235 ~~(b)~~ deliver the Voluntary Prekindergarten Education Program
236 in accordance with this part.

237 Section 9. Subsection (1) of section 1002.66, Florida
238 Statutes, is amended to read:

239 1002.66 Specialized instructional services for children
240 with disabilities.-

241 ~~(1) Beginning with the 2012-2013 school year,~~ A child who
242 has a disability and enrolls with the early learning coalition
243 under s. 1002.53(3)(d) is eligible for specialized instructional
244 services if:



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245 (a) The child is eligible for the Voluntary Prekindergarten
246 Education Program under s. 1002.53; and

247 (b) A current individual educational plan has been
248 developed for the child by the local school board in accordance
249 with rules of the State Board of Education.

250 Section 10. Subsection (1), paragraph (c) of subsection
251 (2), and subsection (4) of section 1002.67, Florida Statutes,
252 are amended to read:

253 1002.67 Performance standards; curricula and
254 accountability.—

255 (1) (a) The office ~~department~~ shall develop and adopt
256 performance standards for students in the Voluntary
257 Prekindergarten Education Program. The performance standards
258 must address the age-appropriate progress of students in the
259 development of:

260 1. The capabilities, capacities, and skills required under
261 s. 1(b), Art. IX of the State Constitution; and

262 2. Emergent literacy skills, including oral communication,
263 knowledge of print and letters, phonemic and phonological
264 awareness, and vocabulary and comprehension development.

265
266 By October 1, 2013, the office shall examine the existing
267 performance standards in the area of mathematical thinking and
268 develop a plan to make appropriate professional development and
269 training courses available to prekindergarten instructors.

270 (b) The office ~~State Board of Education~~ shall periodically
271 review and revise the performance standards for the statewide
272 kindergarten screening administered under s. 1002.69 and align
273 the standards to the standards established by the state board



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274 for student performance on the statewide assessments
275 administered pursuant to s. 1008.22.

276 (2)

277 (c) The office ~~department~~ shall review and approve
278 curricula for use by private prekindergarten providers and
279 public schools that are placed on probation under paragraph
280 (4) (c). The office ~~department~~ shall maintain a list of the
281 curricula approved under this paragraph. Each approved
282 curriculum must meet the requirements of paragraph (b).

283 (4) (a) Each early learning coalition shall verify that each
284 private prekindergarten provider delivering the Voluntary
285 Prekindergarten Education Program within the coalition's county
286 or multicounty region complies with this part. Each district
287 school board shall verify that each public school delivering the
288 program within the school district complies with this part.

289 (b) If a private prekindergarten provider or public school
290 fails or refuses to comply with this part, or if a provider or
291 school engages in misconduct, the office ~~of Early Learning~~ shall
292 require the early learning coalition to remove the provider, and
293 ~~the Department of Education shall~~ require the school district to
294 remove the school from eligibility to deliver the Voluntary
295 Prekindergarten Education Program and receive state funds under
296 this part for a period of 5 years.

297 (c) 1. If the kindergarten readiness rate of a private
298 prekindergarten provider or public school falls below the
299 minimum rate adopted by the office ~~State Board of Education~~ as
300 satisfactory under s. 1002.69(6), the early learning coalition
301 or school district, as applicable, shall require the provider or
302 school to submit an improvement plan for approval by the



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303 coalition or school district, as applicable, and to implement
304 the plan;

305 ~~2. If a private prekindergarten provider or public school~~
306 ~~fails to meet the minimum rate adopted by the State Board of~~
307 ~~Education as satisfactory under s. 1002.69(6), the early~~
308 ~~learning coalition or school district, as applicable, shall~~
309 place the provider or school on probation; and shall ~~must~~
310 require the provider or school to take certain corrective
311 actions, including the use of a curriculum approved by the
312 office ~~department~~ under paragraph (2)(c) or a staff development
313 plan to strengthen instruction in language development and
314 phonological awareness approved by the office ~~department~~.

315 ~~2.3.~~ A private prekindergarten provider or public school
316 that is placed on probation must continue the corrective actions
317 required under subparagraph 1. 2., including the use of a
318 curriculum or a staff development plan to strengthen instruction
319 in language development and phonological awareness approved by
320 the office ~~department~~, until the provider or school meets the
321 minimum rate adopted by the office ~~State Board of Education~~ as
322 satisfactory under s. 1002.69(6). Failure to implement an
323 approved improvement plan or staff development plan shall result
324 in the termination of the provider's contract to deliver the
325 Voluntary Prekindergarten Education Program for a period of 5
326 years.

327 ~~3.4.~~ If a private prekindergarten provider or public school
328 remains on probation for 2 consecutive years and fails to meet
329 the minimum rate adopted by the office ~~State Board of Education~~
330 as satisfactory under s. 1002.69(6) and is not granted a good
331 cause exemption by the office ~~department~~ pursuant to s.



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332 1002.69(7), the office ~~of Early Learning~~ shall require the early
333 learning coalition or ~~the Department of Education~~ shall require
334 the school district to remove, as applicable, the provider or
335 school from eligibility to deliver the Voluntary Prekindergarten
336 Education Program and receive state funds for the program for a
337 period of 5 years.

338 (d) Each early learning coalition and, ~~the office of Early~~
339 ~~Learning, and the department~~ shall coordinate with the Child
340 Care Services Program Office of the Department of Children and
341 Families ~~Family Services~~ to minimize interagency duplication of
342 activities for monitoring private prekindergarten providers for
343 compliance with requirements of the Voluntary Prekindergarten
344 Education Program under this part, the school readiness program
345 ~~programs~~ under part VI of this chapter s. 411.01, and the
346 licensing of providers under ss. 402.301-402.319.

347 Section 11. Subsections (2), (5), (6), and (7) of section
348 1002.69, Florida Statutes, are amended to read:

349 1002.69 Statewide kindergarten screening; kindergarten
350 readiness rates; state-approved prekindergarten enrollment
351 screening; good cause exemption.—

352 (2) The statewide kindergarten screening shall provide
353 objective data concerning each student's readiness for
354 kindergarten and progress in attaining the performance standards
355 adopted by the office ~~department~~ under s. 1002.67(1).

356 (5) The office ~~State Board of Education~~ shall adopt
357 procedures ~~for the department~~ to annually calculate each private
358 prekindergarten provider's and public school's kindergarten
359 readiness rate, which must be expressed as the percentage of the
360 provider's or school's students who are assessed as ready for



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361 kindergarten. The methodology for calculating each provider's
362 kindergarten readiness rate must include student learning gains
363 when available and the percentage of students who meet all state
364 readiness measures. The rates must not include students who are
365 not administered the statewide kindergarten screening. The
366 office state board shall determine learning gains using a value-
367 added measure based on growth demonstrated by the results of the
368 preassessment and postassessment ~~pre- and post-assessment~~ from
369 at least 2 successive years of administration of the
370 preassessment and postassessment ~~pre- and post-assessment~~.

371 (6) The office State Board of Education shall periodically
372 adopt a minimum kindergarten readiness rate that, if achieved by
373 a private prekindergarten provider or public school, would
374 demonstrate the provider's or school's satisfactory delivery of
375 the Voluntary Prekindergarten Education Program.

376 (7) (a) Notwithstanding s. 1002.67(4)(c)3. ~~1002.67(4)(c)4.~~,
377 the office State Board of Education, upon the request of a
378 private prekindergarten provider or public school that remains
379 on probation for 2 consecutive years or more and subsequently
380 fails to meet the minimum rate adopted under subsection (6) and
381 for good cause shown, may grant to the provider or school an
382 exemption from being determined ineligible to deliver the
383 Voluntary Prekindergarten Education Program and receive state
384 funds for the program. Such exemption is valid for 1 year and,
385 upon the request of the private prekindergarten provider or
386 public school and for good cause shown, may be renewed.

387 (b) A private prekindergarten provider's or public school's
388 request for a good cause exemption, or renewal of such an
389 exemption, must be submitted to the office state board in the



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390 manner and within the timeframes prescribed by the office ~~state~~
391 ~~board~~ and must include the following:

392 1. Submission of data by the private prekindergarten
393 provider or public school which documents the achievement and
394 progress of the children served as measured by the state-
395 approved prekindergarten enrollment screening and the
396 standardized postassessment approved by the office ~~department~~
397 pursuant to subparagraph (c)1.

398 2. Submission and review of data available from the
399 respective early learning coalition or district school board,
400 the Department of Children and Families ~~Family Services~~, local
401 licensing authority, or an accrediting association, as
402 applicable, relating to the private prekindergarten provider's
403 or public school's compliance with state and local health and
404 safety standards.

405 3. Submission and review of data available to the office
406 ~~department~~ on the performance of the children served and the
407 calculation of the private prekindergarten provider's or public
408 school's kindergarten readiness rate.

409 (c) The office ~~State Board of Education~~ shall adopt
410 criteria for granting good cause exemptions. Such criteria shall
411 include, but are not limited to:

412 1. Learning gains of children served in the Voluntary
413 Prekindergarten Education Program by the private prekindergarten
414 provider or public school.

415 2. Verification that local and state health and safety
416 requirements are met.

417 (d) A good cause exemption may not be granted to any
418 private prekindergarten provider that has any class I violations



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419 or two or more class II violations within the 2 years preceding
420 the provider's or school's request for the exemption. For
421 purposes of this paragraph, class I and class II violations have
422 the same meaning as provided in s. 402.281(4).

423 (e) A private prekindergarten provider or public school
424 granted a good cause exemption shall continue to implement its
425 improvement plan and continue the corrective actions required
426 under s. 1002.67(4)(c)1. ~~1002.67(4)(c)2.~~, including the use of a
427 curriculum approved by the office ~~department~~, until the provider
428 or school meets the minimum rate adopted under subsection (6).

429 (f) ~~The State Board of Education shall notify the Office of~~
430 ~~Early Learning of any good cause exemption granted to a private~~
431 ~~prekindergarten provider under this subsection.~~ If a good cause
432 exemption is granted to a private prekindergarten provider who
433 remains on probation for 2 consecutive years, the office ~~of~~
434 ~~Early Learning~~ shall notify the early learning coalition of the
435 good cause exemption and direct that the coalition,
436 notwithstanding s. 1002.67(4)(c)3. ~~1002.67(4)(c)4.~~, not remove
437 the provider from eligibility to deliver the Voluntary
438 Prekindergarten Education Program or to receive state funds for
439 the program, if the provider meets all other applicable
440 requirements of this part.

441 Section 12. Paragraph (d) of subsection (3) and subsections
442 (5) and (7) of section 1002.71, Florida Statutes, are amended to
443 read:

444 1002.71 Funding; financial and attendance reporting.—

445 (3)

446 (d) For programs offered by school districts pursuant to s.
447 1002.61 ~~and beginning with the 2009 summer program~~, each



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448 district's funding shall be based on a student enrollment that
449 is evenly divisible by 12. If the result of dividing a
450 district's student enrollment by 12 is not a whole number, the
451 district's enrollment calculation shall be adjusted by adding
452 the minimum number of students to produce a student enrollment
453 calculation that is evenly divisible by 12.

454 (5) (a) Each early learning coalition shall maintain through
455 the single point of entry established under s. 1002.82 ~~411.01~~ a
456 current database of the students enrolled in the Voluntary
457 Prekindergarten Education Program for each county within the
458 coalition's region.

459 (b) The Office of Early Learning shall adopt procedures for
460 the payment of private prekindergarten providers and public
461 schools delivering the Voluntary Prekindergarten Education
462 Program. The procedures shall provide for the advance payment of
463 providers and schools based upon student enrollment in the
464 program, the certification of student attendance, and the
465 reconciliation of advance payments in accordance with the
466 uniform attendance policy adopted under paragraph (6) (d). The
467 procedures shall provide for the monthly distribution of funds
468 by the Office of Early Learning to the early learning coalitions
469 for payment by the coalitions to private prekindergarten
470 providers and public schools. ~~The department shall transfer to~~
471 ~~the Office of Early Learning at least once each quarter the~~
472 ~~funds available for payment to private prekindergarten providers~~
473 ~~and public schools in accordance with this paragraph from the~~
474 ~~funds appropriated for that purpose.~~

475 (7) The Office of Early Learning shall require that
476 administrative expenditures be kept to the minimum necessary for



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477 efficient and effective administration of the Voluntary
478 Prekindergarten Education Program. Administrative policies and
479 procedures shall be revised, to the maximum extent practicable,
480 to incorporate the use of automation and electronic submission
481 of forms, including those required for child eligibility and
482 enrollment, provider and class registration, and monthly
483 certification of attendance for payment. A school district may
484 use its automated daily attendance reporting system for the
485 purpose of transmitting attendance records to the early learning
486 coalition in a mutually agreed-upon format. In addition, actions
487 shall be taken to reduce paperwork, eliminate the duplication of
488 reports, and eliminate other duplicative activities. ~~Beginning~~
489 ~~with the 2011-2012 fiscal year,~~ Each early learning coalition
490 may retain and expend no more than 4.0 percent of the funds paid
491 by the coalition to private prekindergarten providers and public
492 schools under paragraph (5) (b). Funds retained by an early
493 learning coalition under this subsection may be used only for
494 administering the Voluntary Prekindergarten Education Program
495 and may not be used for the school readiness program or other
496 programs.

497 Section 13. Paragraph (a) of subsection (3) of section
498 1002.72, Florida Statutes, is amended to read:

499 1002.72 Records of children in the Voluntary
500 Prekindergarten Education Program.—

501 (3) (a) Confidential and exempt Voluntary Prekindergarten
502 Education Program records may be released to:

503 1. The United States Secretary of Education, the United
504 States Secretary of Health and Human Services, and the
505 Comptroller General of the United States for the purpose of



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506 federal audits or investigations.

507 2. Individuals or organizations conducting studies for
508 institutions to develop, validate, or administer assessments or
509 improve instruction.

510 3. Accrediting organizations in order to carry out their
511 accrediting functions.

512 4. Appropriate parties in connection with an emergency if
513 the information is necessary to protect the health or safety of
514 the child or other individuals.

515 5. The Auditor General in connection with his or her
516 official functions.

517 6. A court of competent jurisdiction in compliance with an
518 order of that court pursuant to a lawfully issued subpoena.

519 7. Parties to an interagency agreement among early learning
520 coalitions, local governmental agencies, Voluntary
521 Prekindergarten Education Program providers, or state agencies
522 for the purpose of implementing the Voluntary Prekindergarten
523 Education Program.

524 Section 14. Subsection (1) and paragraphs (a) and (d) of
525 subsection (2) of section 1002.75, Florida Statutes, are amended
526 to read:

527 1002.75 Office of Early Learning; powers and duties ~~+~~
528 ~~operational requirements.~~—

529 (1) The Office of Early Learning shall adopt by rule a
530 standard statewide provider contract to be used with each
531 Voluntary Prekindergarten Education Program provider, with
532 standardized attachments by provider type. The office shall
533 publish a copy of the standard statewide provider contract on
534 its website. The standard statewide contract shall include, at a



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535 minimum, provisions for provider probation, termination for
536 cause, and emergency termination for those actions or inactions
537 of a provider that pose an immediate and serious danger to the
538 health, safety, or welfare of children. The standard statewide
539 contract shall also include appropriate due process procedures.
540 During the pendency of an appeal of a termination, the provider
541 may not continue to offer its services. Any provision imposed
542 upon a provider that is inconsistent with, or prohibited by, law
543 is void and unenforceable. ~~The Office of Early Learning shall~~
544 ~~administer the operational requirements of the Voluntary~~
545 ~~Prekindergarten Education Program at the state level.~~

546 (2) The Office of Early Learning shall adopt procedures
547 governing the administration of the Voluntary Prekindergarten
548 Education Program by the early learning coalitions and school
549 districts for:

550 (a) Enrolling children in and determining the eligibility
551 of children for the Voluntary Prekindergarten Education Program
552 under s. 1002.53, which shall include the enrollment of children
553 by public schools and private providers that meet specified
554 requirements.

555 (d) Determining the eligibility of private prekindergarten
556 providers to deliver the program under ss. 1002.55 and 1002.61
557 and streamlining the process of provider eligibility whenever
558 possible.

559 Section 15. Subsections (1) through (3) of section 1002.77,
560 Florida Statutes, are amended to read:

561 1002.77 Florida Early Learning Advisory Council.—

562 (1) There is created the Florida Early Learning Advisory
563 Council within the Office of Early Learning. The purpose of the



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564 advisory council is to submit recommendations to the office
565 ~~department~~ on the early learning best practices ~~policy of this~~
566 ~~state,~~ including recommendations relating to the most effective
567 administration of the Voluntary Prekindergarten Education
568 Program under this part and the school readiness program
569 ~~programs~~ under part VI of this chapter s. 411.01. The advisory
570 council shall periodically analyze and provide recommendations
571 to the office on the effective and efficient use of local,
572 state, and federal funds; the content of professional
573 development training programs; and best practices for the
574 development and implementation of coalition plans pursuant to s.
575 1002.85.

576 (2) The advisory council shall be composed of the following
577 members:

578 (a) The chair of the advisory council who shall be
579 appointed by and serve at the pleasure of the Governor.

580 (b) The chair of each early learning coalition.

581 (c) One member who shall be appointed by and serve at the
582 pleasure of the President of the Senate.

583 (d) One member who shall be appointed by and serve at the
584 pleasure of the Speaker of the House of Representatives.

585

586 The chair of the advisory council appointed by the Governor and
587 the members appointed by the presiding officers of the
588 Legislature must be from the business community and be in
589 compliance with s. 1002.83(5) ~~each have a background in early~~
590 ~~learning.~~

591 (3) The advisory council shall meet at least quarterly but
592 may meet as often as necessary to carry out its duties and



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593 responsibilities. The advisory council may use any method of
594 telecommunications to conduct meetings, including establishing a
595 quorum through telecommunications, only if the public is given
596 proper notice of a telecommunications meeting and reasonable
597 access to observe and, when appropriate, participate.

598 Section 16. Section 1002.79, Florida Statutes, is amended
599 to read:

600 1002.79 Rulemaking authority.—

601 ~~(1) The State Board of Education shall adopt rules under~~
602 ~~ss. 120.536(1) and 120.54 to administer the provisions of this~~
603 ~~part conferring duties upon the department.~~

604 ~~(2) The Office of Early Learning shall adopt rules under~~
605 ~~ss. 120.536(1) and 120.54 to administer the provisions of this~~
606 ~~part conferring duties upon the office.~~

607 Section 17. Part VI of chapter 1002, Florida Statutes,
608 consisting of sections 1002.81 through 1002.96, is created to
609 read:

610 PART VI

611 SCHOOL READINESS PROGRAM

612 1002.81 Definitions.—Consistent with the requirements of 45
613 C.F.R. parts 98 and 99 and as used in this part, the term:

614 (1) "At-risk child" means:

615 (a) A child from a family under investigation by the
616 Department of Children and Families or a designated sheriff's
617 office for child abuse, neglect, abandonment, or exploitation.

618 (b) A child who is in a diversion program provided by the
619 Department of Children and Families or its contracted provider
620 and who is from a family that is actively participating and
621 complying in department-prescribed activities, including



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622 education, health services, or work.

623 (c) A child from a family that is under supervision by the
624 Department of Children and Families or a contracted service
625 provider for abuse, neglect, abandonment, or exploitation.

626 (d) A child placed in court-ordered, long-term custody or
627 under the guardianship of a relative or nonrelative after
628 termination of supervision by the Department of Children and
629 Families or its contracted provider.

630 (e) A child in the custody of a parent who is a victim of
631 domestic violence residing in a certified domestic violence
632 center.

633 (f) A child in the custody of a parent who is considered
634 homeless as verified by a Department of Children and Families
635 certified homeless shelter.

636 (2) "Authorized hours of care" means the hours of care that
637 are necessary to provide protection, maintain employment, or
638 complete work activities or eligible educational activities,
639 including reasonable travel time.

640 (3) "Average market rate" means the biennially determined
641 average of the market rate by program care level and provider
642 type in a predetermined geographic market.

643 (4) "Direct enhancement services" means services for
644 families and children that are in addition to payments for the
645 placement of children in the school readiness program. Direct
646 enhancement services for families and children may include
647 supports for providers, parent training and involvement
648 activities, and strategies to meet the needs of unique
649 populations and local eligibility priorities. Direct enhancement
650 services offered by an early learning coalition shall be



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651 consistent with the activities prescribed in s. 1002.89(6)(b).

652 (5) "Disenrollment" means the removal either temporary or
653 permanent, of a child from participation in the school readiness
654 program. Removal of a child from the school readiness program
655 may be based on the following events: a reduction in available
656 school readiness program funding, participant's failure to meet
657 eligibility or program participation requirements, fraud, or a
658 change in local service priorities.

659 (6) "Earned income" means gross remuneration derived from
660 work, professional service, or self-employment. The term
661 includes commissions, bonuses, back pay awards, and the cash
662 value of all remuneration paid in a medium other than cash.

663 (7) "Economically disadvantaged" means having a family
664 income that does not exceed 150 percent of the federal poverty
665 level and includes being a child of a working migratory family
666 as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural
667 worker who is employed by more than one agricultural employer
668 during the course of a year, and whose income varies according
669 to weather conditions and market stability.

670 (8) "Family income" means the combined gross income,
671 whether earned or unearned, that is derived from any source by
672 all family or household members who are 18 years of age or older
673 who are currently residing together in the same dwelling unit.
674 The term does not include income earned by a currently enrolled
675 high school student who, since attaining the age of 18 years, or
676 a student with a disability who, since attaining the age of 22
677 years, has not terminated school enrollment or received a high
678 school diploma, high school equivalency diploma, special
679 diploma, or certificate of high school completion. The term also



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680 does not include food stamp benefits or federal housing
681 assistance payments issued directly to a landlord or the
682 associated utilities expenses.

683 (9) "Family or household members" means spouses, former
684 spouses, persons related by blood or marriage, persons who are
685 parents of a child in common regardless of whether they have
686 been married, and other persons who are currently residing
687 together in the same dwelling unit as if a family.

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

691 (11) "Market rate" means the price that a child care or
692 early childhood education provider charges for full-time or
693 part-time daily, weekly, or monthly child care or early
694 childhood education services.

695 (12) "Office" means the Office of Early Learning within the
696 Department of Education's Office of Independent Education and
697 Parental Choice.

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

700 (14) "Single point of entry" means an integrated
701 information system that allows a parent to enroll his or her
702 child in the school readiness program or the Voluntary
703 Prekindergarten Education Program at various locations
704 throughout a county, that may allow a parent to enroll his or
705 her child by telephone or through a website, and that uses a
706 uniform waiting list to track eligible children waiting for
707 enrollment in the school readiness program.

708 (15) "Unearned income" means income other than earned



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709 income. The term includes, but is not limited to:
710 (a) Documented alimony and child support received.
711 (b) Social security benefits.
712 (c) Supplemental security income benefits.
713 (d) Workers' compensation benefits.
714 (e) Reemployment assistance or unemployment compensation
715 benefits.
716 (f) Veterans' benefits.
717 (g) Retirement benefits.
718 (h) Temporary cash assistance under chapter 414.
719 (16) "Working family" means:
720 (a) A single-parent family in which the parent with whom
721 the child resides is employed or engaged in eligible work or
722 education activities for at least 20 hours per week;
723 (b) A two-parent family in which both parents with whom the
724 child resides are employed or engaged in eligible work or
725 education activities for a combined total of at least 40 hours
726 per week; or
727 (c) A two-parent family in which one of the parents with
728 whom the child resides is exempt from work requirements due to
729 age or disability, as determined and documented by a physician
730 licensed under chapter 458 or chapter 459, and one parent is
731 employed or engaged in eligible work or education activities at
732 least 20 hours per week.
733 1002.82 Office of Early Learning; powers and duties.-
734 (1) For purposes of administration of the Child Care and
735 Development Block Grant Trust Fund, pursuant to 45 C.F.R. parts
736 98 and 99, the Office of Early Learning is designated as the
737 lead agency and must comply with lead agency responsibilities



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738 pursuant to federal law. The office may apply to the Governor
739 and Cabinet for a waiver of, and the Governor and Cabinet may
740 waive, any provision of ss. 411.223 and 1003.54 if the waiver is
741 necessary for implementation of the school readiness program.
742 Section 125.901(2)(a)3. does not apply to the school readiness
743 program.

744 (2) The office shall:

745 (a) Focus on improving the educational quality delivered by
746 all providers participating in the school readiness program.

747 (b) Preserve parental choice by permitting parents to
748 choose from a variety of child care categories, including
749 center-based care, family child care, and informal child care to
750 the extent authorized in the state's Child Care and Development
751 Fund Plan as approved by the United States Department of Health
752 and Human Services pursuant to 45 C.F.R. s. 98.18. Care and
753 curriculum by a faith-based provider may not be limited or
754 excluded in any of these categories.

755 (c) Be responsible for the prudent use of all public and
756 private funds in accordance with all legal and contractual
757 requirements, safeguarding the effective use of federal, state,
758 and local resources to achieve the highest practicable level of
759 school readiness for the children described in s. 1002.87,
760 including:

761 1. The adoption of a uniform chart of accounts for
762 budgeting and financial reporting purposes that provides
763 standardized definitions for expenditures and reporting,
764 consistent with the requirements of 45 C.F.R. part 98 and s.
765 1002.89 for each of the following categories of expenditure:

766 a. Direct services to children.



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767 b. Administrative costs.

768 c. Quality activities.

769 d. Nondirect services.

770 2. Coordination with other state and federal agencies to
771 perform data matches on children participating in the school
772 readiness program and their families in order to verify the
773 children's eligibility pursuant to s. 1002.87.

774 (d) Establish procedures for the biennial calculation of
775 the average market rate.

776 (e) Review each early learning coalition's school readiness
777 program plan every 2 years and provide final approval of the
778 plan and any amendments submitted.

779 (f) Establish a unified approach to the state's efforts to
780 coordinate a comprehensive early learning program. In support of
781 this effort, the office:

782 1. Shall adopt specific program support services that
783 address the state's school readiness program, including:

784 a. Statewide data information program requirements that
785 include:

786 (I) Eligibility requirements.

787 (II) Financial reports.

788 (III) Program accountability measures.

789 (IV) Child progress reports.

790 b. Child care resource and referral services.

791 c. A single point of entry and uniform waiting list.

792 2. May provide technical assistance and guidance on
793 additional support services to complement the school readiness
794 program, including:

795 a. Rating and improvement systems.



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796 b. Warm-Line services.

797 c. Anti-fraud plans.

798 d. School readiness program standards.

799 e. Child screening and assessments.

800 f. Training and support for parental involvement in
801 children's early education.

802 g. Family literacy activities and services.

803 (g) Provide technical assistance to early learning
804 coalitions.

805 (h) In cooperation with the early learning coalitions,
806 coordinate with the Child Care Services Program Office of the
807 Department of Children and Families to reduce paperwork and to
808 avoid duplicating interagency activities, health and safety
809 monitoring, and acquiring and composing data pertaining to child
810 care training and credentialing.

811 (i) Develop, in coordination with the Child Care Services
812 Program Office of the Department of Children and Families, and
813 adopt a health and safety checklist to be completed by license-
814 exempt providers that does not exceed the requirements s.
815 402.305.

816 (j) Develop and adopt standards and benchmarks that address
817 the age-appropriate progress of children in the development of
818 school readiness skills. The standards for children from birth
819 to 5 years of age in the school readiness program must be
820 aligned with the performance standards adopted for children in
821 the Voluntary Prekindergarten Education Program and must address
822 the following domains:

823 1. Approaches to learning.

824 2. Cognitive development and general knowledge.



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825 3. Numeracy, language, and communication.

826 4. Physical development.

827 5. Self-regulation.

828 (k) Select assessments that are valid, reliable, and
829 developmentally appropriate for use as preassessment and
830 postassessment for the age ranges specified in the coalition
831 plans. The assessments must be designed to measure progress in
832 the domains of the performance standards adopted pursuant to
833 paragraph (j), provide appropriate accommodations for children
834 with disabilities and English language learners, and be
835 administered by qualified individuals, consistent with the
836 publisher's instructions.

837 (l) Adopt a list of approved curricula that meet the
838 performance standards for the school readiness program and
839 establish a process for the review and approval of a provider's
840 curriculum that meets the performance standards.

841 (m) Adopt by rule a standard statewide provider contract to
842 be used with each school readiness program provider, with
843 standardized attachments by provider type. The office shall
844 publish a copy of the standard statewide provider contract on
845 its website. The standard statewide contract shall include, at a
846 minimum, provisions for provider probation, termination for
847 cause, and emergency termination for those actions or inactions
848 of a provider that pose an immediate and serious danger to the
849 health, safety, or welfare of the children. The standard
850 statewide provider contract shall also include appropriate due
851 process procedures. During the pendency of an appeal of a
852 termination, the provider may not continue to offer its
853 services. Any provision imposed upon a provider that is



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854 inconsistent with, or prohibited by, law is void and
855 unenforceable.

856 (n) Establish a single statewide information system that
857 each coalition must use for the purposes of managing the single
858 point of entry, tracking children's progress, coordinating
859 services among stakeholders, determining eligibility of
860 children, tracking child attendance, and streamlining
861 administrative processes for providers and early learning
862 coalitions.

863 (o) Adopt by rule standardized procedures for coalitions to
864 use when monitoring the compliance of school readiness program
865 providers with the terms of the standard statewide provider
866 contract.

867 (p) Monitor and evaluate the performance of each early
868 learning coalition in administering the school readiness
869 program, ensuring proper payments for school readiness program
870 services, implementing the coalition's school readiness program
871 plan, and administering the Voluntary Prekindergarten Education
872 Program. These monitoring and performance evaluations must
873 include, at a minimum, onsite monitoring of each coalition's
874 finances, management, operations, and programs.

875 (q) Work in conjunction with the Bureau of Federal
876 Education Programs within the Department of Education to
877 coordinate readiness and voluntary prekindergarten services to
878 the populations served by the bureau.

879 (r) Administer a statewide toll-free Warm-Line to provide
880 assistance and consultation to child care facilities and family
881 day care homes regarding health, developmental, disability, and
882 special needs issues of the children they are serving,



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883 particularly children with disabilities and other special needs.

884 The office shall:

885 1. Annually inform child care facilities and family day
886 care homes of the availability of this service through the child
887 care resource and referral network under s. 1002.92.

888 2. Expand or contract for the expansion of the Warm-Line to
889 maintain at least one Warm-Line in each early learning coalition
890 service area.

891 (3) If the office determines during the review of school
892 readiness program plans, or through monitoring and performance
893 evaluations conducted under s. 1002.85, that an early learning
894 coalition has not substantially implemented its plan, has not
895 substantially met the performance standards and outcome measures
896 adopted by the office, or has not effectively administered the
897 school readiness program or Voluntary Prekindergarten Education
898 Program, the office may temporarily contract with a qualified
899 entity to continue school readiness program and prekindergarten
900 services in the coalition's county or multicounty region until
901 the office reestablishes the coalition and a new school
902 readiness program plan is approved in accordance with the rules
903 adopted by the office.

904 (4) The office may request the Governor to apply for a
905 waiver to allow a coalition to administer the Head Start Program
906 to accomplish the purposes of the school readiness program.

907 (5) By January 1 of each year, the office shall publish on
908 its website a report of its activities conducted under this
909 section. The report must include a summary of the coalitions'
910 annual reports, a statewide summary, and the following:

911 (a) An analysis of early learning activities throughout the



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912 state, including the school readiness program and the Voluntary
913 Prekindergarten Education Program.

914 1. The total and average number of children served in the
915 school readiness program, enumerated by age, eligibility
916 priority category, and coalition, and the total number of
917 children served in the Voluntary Prekindergarten Education
918 Program.

919 2. A summary of expenditures by coalition, by fund source,
920 including a breakdown by coalition of the percentage of
921 expenditures for administrative activities, quality activities,
922 nondirect services, and direct services for children.

923 3. A description of the office's and each coalition's
924 expenditures by fund source for the quality and enhancement
925 activities described in s. 1002.89(6)(b).

926 4. A summary of annual findings and collections related to
927 provider fraud and parent fraud.

928 5. Data regarding the coalitions' delivery of early
929 learning programs.

930 6. The total number of children disenrolled statewide and
931 the reason for disenrollment.

932 7. The total number of providers by provider type.

933 8. The total number of provider contracts revoked and the
934 reasons for revocation.

935 (b) A summary of the activities and detailed expenditures
936 related to the Child Care Executive Partnership Program.

937 (6)(a) Parental choice of child care providers, including
938 private and faith-based providers, shall be established to the
939 maximum extent practicable in accordance with 45 C.F.R. s.
940 98.30.



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

944 (c) The school readiness program shall, in accordance with
945 45 C.F.R. s. 98.30, provide parental choice through a payment
946 certificate that provides, to the maximum extent possible,
947 flexibility in the school readiness program and payment
948 arrangements. The payment certificate must bear the names of the
949 beneficiary and the program provider and, when redeemed, must
950 bear the signatures of both the beneficiary and an authorized
951 representative of the provider.

952 (d) If it is determined that a provider has given any cash
953 or other consideration to the beneficiary in return for
954 receiving a payment certificate, the early learning coalition or
955 its fiscal agent shall refer the matter to the Department of
956 Financial Services pursuant to s. 414.411 for investigation.

957 (7) Participation in the school readiness program does not
958 expand the regulatory authority of the state, its officers, or
959 an early learning coalition to impose any additional regulation
960 on providers beyond those necessary to enforce the requirements
961 set forth in this part and part V of this chapter.

962 1002.83 Early learning coalitions.—

963 (1) Thirty-one or fewer early learning coalitions are
964 established and shall maintain direct enhancement services at
965 the local level and provide access to such services in all 67
966 counties. Two or more early learning coalitions may join for
967 purposes of planning and implementing a school readiness program
968 and the Voluntary Prekindergarten Education Program.

969 (2) Each early learning coalition shall be composed of at



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970 least 15 members but not more than 30 members.

971 (3) The Governor shall appoint the chair and two other
972 members of each early learning coalition, who must each meet the
973 same qualifications as private sector business members appointed
974 by the coalition under subsection (5).

975 (4) Each early learning coalition must include the
976 following member positions; however, in a multicounty coalition,
977 each ex officio member position may be filled by multiple
978 nonvoting members but no more than one voting member shall be
979 seated per member position. If an early learning coalition has
980 more than one member representing the same entity, only one of
981 such members may serve as a voting member:

982 (a) A Department of Children and Families regional
983 administrator or his or her permanent designee who is authorized
984 to make decisions on behalf of the department.

985 (b) A district superintendent of schools or his or her
986 permanent designee who is authorized to make decisions on behalf
987 of the district.

988 (c) A regional workforce board executive director or his or
989 her permanent designee.

990 (d) A county health department director or his or her
991 designee.

992 (e) A children's services council or juvenile welfare board
993 chair or executive director, if applicable.

994 (f) An agency head of a local licensing agency as defined
995 in s. 402.302, where applicable.

996 (g) A president of a Florida College System institution or
997 his or her permanent designee.

998 (h) One member appointed by a board of county commissioners



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999 or the governing board of a municipality.

1000 (i) A central agency administrator, where applicable.

1001 (j) A Head Start director.

1002 (k) A representative of private for-profit child care
1003 providers, including private for-profit family day care homes.

1004 (l) A representative of faith-based child care providers.

1005 (m) A representative of programs for children with
1006 disabilities under the federal Individuals with Disabilities
1007 Education Act.

1008 (5) Including the members appointed by the Governor under
1009 subsection (3), more than one-third of the members of each early
1010 learning coalition must be private sector business members,
1011 either for-profit or nonprofit, who do not have, and none of
1012 whose relatives as defined in s. 112.3143 has, a substantial
1013 financial interest in the design or delivery of the Voluntary
1014 Prekindergarten Education Program created under part V of this
1015 chapter or the school readiness program. To meet this
1016 requirement an early learning coalition must appoint additional
1017 members. The office shall establish criteria for appointing
1018 private sector business members. These criteria must include
1019 standards for determining whether a member or relative has a
1020 substantial financial interest in the design or delivery of the
1021 Voluntary Prekindergarten Education Program or the school
1022 readiness program.

1023 (6) A majority of the voting membership of an early
1024 learning coalition constitutes a quorum required to conduct the
1025 business of the coalition. An early learning coalition may use
1026 any method of telecommunications to conduct meetings, including
1027 establishing a quorum through telecommunications, provided that



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1028 the public is given proper notice of a telecommunications
1029 meeting and reasonable access to observe and, when appropriate,
1030 participate.

1031 (7) A voting member of an early learning coalition may not
1032 appoint a designee to act in his or her place, except as
1033 otherwise provided in this subsection. A voting member may send
1034 a representative to coalition meetings but that representative
1035 does not have voting privileges. When a regional administrator
1036 for the Department of Children and Families appoints a designee
1037 to an early learning coalition, the designee is the voting
1038 member of the coalition, and any individual attending in the
1039 designee's place, including the district administrator, does not
1040 have voting privileges.

1041 (8) Each member of an early learning coalition is subject
1042 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
1043 112.3143(3) (a), each voting member is a local public officer who
1044 must abstain from voting when a voting conflict exists.

1045 (9) For purposes of tort liability, each member or employee
1046 of an early learning coalition shall be governed by s. 768.28.

1047 (10) An early learning coalition serving a multicounty
1048 region must include representation from each county.

1049 (11) Each early learning coalition shall establish terms
1050 for all appointed members of the coalition. The terms must be
1051 staggered and must be a uniform length that does not exceed 4
1052 years per term. Coalition chairs shall be appointed for 4 years
1053 in conjunction with their membership on the Early Learning
1054 Advisory Council pursuant to s. 20.052. Appointed members may
1055 serve a maximum of two consecutive terms. When a vacancy occurs
1056 in an appointed position, the coalition must advertise the



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1057 vacancy.

1058 (12) State, federal, and local matching funds provided to
1059 the early learning coalitions may not be used directly or
1060 indirectly to pay for meals, food, or beverages for coalition
1061 members, coalition employees, or for subcontractor employees.
1062 Preapproved, reasonable, and necessary per diem allowances and
1063 travel expenses may be reimbursed. Such reimbursement shall be
1064 at the standard travel reimbursement rates established in s.
1065 112.061 and must comply with applicable federal and state
1066 requirements.

1067 (13) Each early learning coalition shall use a coordinated
1068 professional development system that supports the achievement
1069 and maintenance of core competencies by school readiness program
1070 teachers in helping children attain the performance standards
1071 adopted by the office.

1072 (14) Each school district shall, upon request of the
1073 coalition, make a list of all individuals currently eligible to
1074 act as a substitute teacher within the school district, pursuant
1075 to rules adopted by the school district pursuant to s. 1012.35,
1076 available to an early learning coalition serving students within
1077 the school district. Child care facilities as defined in s.
1078 402.302 may employ individuals listed as substitute instructors
1079 for the purpose of offering the school readiness program, the
1080 Voluntary Prekindergarten Education Program, and all other
1081 legally operating child care programs.

1082 1002.84 Early learning coalitions; school readiness powers
1083 and duties.—Each early learning coalition shall:

1084 (1) Administer and implement a local comprehensive program
1085 of school readiness program services in accordance with this



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1086 part and the rules adopted by the office, which enhances the
1087 cognitive, social, and physical development of children to
1088 achieve the performance standards.

1089 (2) Establish a uniform waiting list to track eligible
1090 children waiting for enrollment in the school readiness program
1091 in accordance with rules adopted by the office.

1092 (3) Establish a resource and referral network operating
1093 under s. 1002.92 to assist parents in making an informed choice
1094 and provide maximum parental choice of providers and to provide
1095 information on available community resources.

1096 (4) Establish a regional Warm-Line as directed by the
1097 office pursuant to s. 1002.82(2)(r). Regional Warm-Line staff
1098 shall provide onsite technical assistance, when requested, to
1099 assist child care facilities and family day care homes with
1100 inquiries relating to the strategies, curriculum, and
1101 environmental adaptations the child care facilities and family
1102 day care homes may need as they serve children with disabilities
1103 and other special needs.

1104 (5) Establish an age-appropriate screening, for children
1105 ages birth to 5 years, of each child's development and an
1106 appropriate referral process for children with identified
1107 delays. Such screening shall not be a requirement of entry into
1108 the school readiness program and shall be only given with
1109 parental consent.

1110 (6) Implement an age-appropriate preassessment and
1111 postassessment of children if specified in the coalition's
1112 approved plan.

1113 (7) Determine child eligibility pursuant to s. 1002.87 and
1114 provider eligibility pursuant to s. 1002.88. At a minimum, child



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1115 eligibility must be redetermined annually. Redetermination must
1116 also be conducted twice per year for an additional 50 percent of
1117 a coalition's enrollment through a statistically valid random
1118 sampling. A coalition must document the reason why a child is no
1119 longer eligible for the school readiness program according to
1120 the standard codes prescribed by the office.

1121 (8) Establish a parent sliding fee scale that requires a
1122 parent copayment to participate in the school readiness program.
1123 Providers are required to collect the parent's copayment. A
1124 coalition may, on a case-by-case basis, waive the copayment for
1125 an at-risk child or temporarily waive the copayment for a child
1126 whose family experiences a natural disaster or an event that
1127 limits the parent's ability to pay, such as incarceration,
1128 placement in residential treatment, or becoming homeless, or an
1129 emergency situation such as a household fire or burglary, or
1130 while the parent is participating in parenting classes. A parent
1131 may not transfer school readiness program services to another
1132 school readiness program provider until the parent has submitted
1133 documentation from the current school readiness program provider
1134 to the early learning coalition stating that the parent has
1135 satisfactorily fulfilled the copayment obligation.

1136 (9) Establish proper maintenance of records related to
1137 eligibility and enrollment files, provider payments, coalition
1138 staff background screenings, and other documents required for
1139 the implementation of the school readiness program.

1140 (10) Establish a records retention requirement for sign-in
1141 and sign-out records that is consistent with state and federal
1142 law. Attendance records may not be altered or amended after
1143 December 31 of the subsequent year.



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1144 (11) Comply with the tangible personal property
1145 requirements of chapter 274 and any rules adopted thereunder.

1146 (12) Comply with federal procurement requirements and the
1147 procurement requirements of ss. 215.971, 287.057, and 287.058,
1148 except that an early learning coalition is not required to
1149 competitively procure direct services for school readiness
1150 program and Voluntary Prekindergarten Education Program
1151 providers.

1152 (13) Establish proper information technology security
1153 controls, including, but not limited to, periodically reviewing
1154 the appropriateness of access privileges assigned to users of
1155 certain systems; monitoring system hardware performance and
1156 capacity-related issues; and ensuring appropriate backup
1157 procedures and disaster recovery plans are in place.

1158 (14) Develop written policies, procedures, and standards
1159 for monitoring vendor contracts, including, but not limited to,
1160 provisions specifying the particular procedures that may be used
1161 to evaluate contractor performance and the documentation that is
1162 to be maintained to serve as a record of contractor performance.
1163 This subsection does not apply to contracts with school
1164 readiness program providers or Voluntary Prekindergarten
1165 Education Program providers.

1166 (15) Monitor school readiness program providers in
1167 accordance with its plan, or in response to a parental
1168 complaint, to verify that the standards prescribed in ss.
1169 1002.82 and 1002.88 are being met using a standard monitoring
1170 tool adopted by the office. Providers determined to be high-risk
1171 by the coalition, as demonstrated by substantial findings of
1172 violations of federal law or the general or local laws of the



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1173 state, shall be monitored more frequently. Providers with 3
1174 consecutive years of compliance may be monitored biennially.

1175 (16) Adopt a payment schedule that encompasses all programs
1176 funded under this part and part V of this chapter. The payment
1177 schedule must take into consideration the average market rate,
1178 include the projected number of children to be served, and be
1179 submitted for approval by the office. Informal child care
1180 arrangements shall be reimbursed at not more than 50 percent of
1181 the rate adopted for a family day care home.

1182 (17) Implement an anti-fraud plan addressing the detection,
1183 reporting, and prevention of overpayments, abuse, and fraud
1184 relating to the provision of and payment for school readiness
1185 program and Voluntary Prekindergarten Education Program services
1186 and submit the plan to the office for approval, as required by
1187 s. 1002.91.

1188 (18) By October 1 of each year, submit an annual report to
1189 the office. The report shall conform to the format adopted by
1190 the office and must include:

1191 (a) Segregation of school readiness program funds,
1192 Voluntary Prekindergarten Education Program funds, Child Care
1193 Executive Partnership Program funds, and other local revenues
1194 available to the coalition.

1195 (b) Details of expenditures by fund source, including total
1196 expenditures for administrative activities, quality activities,
1197 nondirect services, and direct services for children.

1198 (c) The total number of coalition staff and the related
1199 expenditures for salaries and benefits. For any subcontracts,
1200 the total number of contracted staff and the related
1201 expenditures for salaries and benefits must be included.



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1202 (d) The number of children served in the school readiness
1203 program, by provider type, enumerated by age and eligibility
1204 priority category, reported as the number of children served
1205 during the month, the average participation throughout the
1206 month, and the number of children served during the month.

1207 (e) The total number of children disenrolled during the
1208 year and the reasons for disenrollment.

1209 (f) The total number of providers by provider type.

1210 (g) A listing of any school readiness program provider, by
1211 type, whose eligibility to deliver the school readiness program
1212 is revoked, including a brief description of the state or
1213 federal violation that resulted in the revocation.

1214 (h) An evaluation of its direct enhancement services.

1215 (i) The total number of children served in each provider
1216 facility.

1217 (19) Maintain its administrative staff at the minimum
1218 necessary to administer the duties of the early learning
1219 coalition.

1220 (20) To increase transparency and accountability, comply
1221 with the requirements of this section before contracting with a
1222 member of the coalition or a relative, as defined in s.
1223 112.3143(1)(b), of a coalition member or of an employee of the
1224 coalition. Such contracts may not be executed without the
1225 approval of the office. Such contracts, as well as documentation
1226 demonstrating adherence to this section by the coalition, must
1227 be approved by a two-thirds vote of the coalition, a quorum
1228 having been established; all conflicts of interest must be
1229 disclosed before the vote; and any member who may benefit from
1230 the contract, or whose relative may benefit from the contract,



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1231 must abstain from the vote. A contract under \$25,000 between an
1232 early learning coalition and a member of that coalition or
1233 between a relative, as defined in s. 112.3143(1)(b), of a
1234 coalition member or of an employee of the coalition is not
1235 required to have the prior approval of the office but must be
1236 approved by a two-thirds vote of the coalition, a quorum having
1237 been established, and must be reported to the office within 30
1238 days after approval. If a contract cannot be approved by the
1239 office, a review of the decision to disapprove the contract may
1240 be requested by the early learning coalition or other parties to
1241 the disapproved contract.

1242 1002.85 Early learning coalition plans.—

1243 (1) The office shall adopt rules prescribing the
1244 standardized format and required content of school readiness
1245 program plans as necessary for a coalition or other qualified
1246 entity to administer the school readiness program as provided in
1247 this part.

1248 (2) Each early learning coalition must biennially submit a
1249 school readiness program plan to the office before the
1250 expenditure of funds. A coalition may not implement its school
1251 readiness program plan until it receives approval from the
1252 office. A coalition may not implement any revision to its school
1253 readiness program plan until the coalition submits the revised
1254 plan to and receives approval from the office. If the office
1255 rejects a plan or revision, the coalition must continue to
1256 operate under its previously approved plan. The plan must
1257 include, but is not limited to:

1258 (a) The coalition's operations, including its membership
1259 and business organization, and the coalition's articles of



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1260 incorporation and bylaws if the coalition is organized as a
1261 corporation. If the coalition is not organized as a corporation
1262 or other business entity, the plan must include the contract
1263 with a fiscal agent.
1264 (b) The minimum number of children to be served by care
1265 level.
1266 (c) The coalition's procedures for implementing the
1267 requirements of this part, including:
1268 1. Single point of entry.
1269 2. Uniform waiting list.
1270 4. Eligibility and enrollment processes.
1271 5. Parent access and choice.
1272 6. Sliding fee scale and policies on applying the waiver or
1273 reduction of fees in accordance with 1002.84(8).
1274 7. Use of preassessments and postassessments, as
1275 applicable.
1276 8. Payment rate.
1277 (d) A detailed description of the coalition's quality
1278 activities and services, including:
1279 1. Resource and referral and school-age child care.
1280 2. Infant and toddler early learning.
1281 3. Inclusive early learning programs.
1282 (e) A detailed budget that outlines estimated expenditures
1283 for state, federal, and local matching funds at the lowest level
1284 of detail available by other-cost-accumulator code number; all
1285 estimated sources of revenue with identifiable descriptions; a
1286 listing of full-time equivalent positions; contracted
1287 subcontractor costs with related annual compensation amount or
1288 hourly rate of compensation; and a capital improvements plan



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1289 outlining existing fixed capital outlay projects and proposed
1290 capital outlay projects that will begin during the budget year.

1291 (f) A detailed accounting, in the format prescribed by the
1292 office, of all revenues and expenditures during the previous
1293 state fiscal year. Revenue sources should be identifiable and
1294 expenditures should be reported by three categories: state and
1295 federal funds, local matching funds, and Child Care Executive
1296 Partnership Program funds.

1297 (g) Updated policies and procedures, including those
1298 governing procurement, maintenance of tangible personal
1299 property, maintenance of records, information technology
1300 security, and disbursement controls.

1301 (h) A description of the procedures for monitoring school
1302 readiness program providers, including in response to a parental
1303 complaint, to determine that the standards prescribed in ss.
1304 1002.82 and 1002.88 are met using a standard monitoring tool
1305 adopted by the office. Providers determined to be high risk by
1306 the coalition as demonstrated by substantial findings of
1307 violations of law shall be monitored more frequently.

1308 (i) Documentation that the coalition has solicited and
1309 considered comments regarding the proposed school readiness
1310 program plan from the local community.

1311 (3) The coalition may periodically amend its plan as
1312 necessary. An amended plan must be submitted to and approved by
1313 the office before any expenditures are incurred on the new
1314 activities proposed in the amendment.

1315 (4) The office shall publish a copy of the standardized
1316 format and required content of school readiness program plans on
1317 its website.



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1318 (5) The office shall collect and report data on coalition
1319 delivery of early learning programs. Elements shall include, but
1320 are not limited to, measures related to progress towards
1321 reducing the number of children on the waitlist, the percentage
1322 of children served by the program as compared to the number of
1323 administrative staff and overhead, the percentage of children
1324 served compared to total number of children under the age of 5
1325 years below 150 percent of the federal poverty level, provider
1326 payment processes, fraud intervention, child attendance and
1327 stability, use of child care resource and referral, and
1328 kindergarten readiness outcomes for children in the Voluntary
1329 Prekindergarten Education Program or the school readiness
1330 program upon entry into kindergarten. The office shall request
1331 input from the coalitions and school readiness program providers
1332 before finalizing the format and data to be used. The report
1333 shall be implemented beginning July 1, 2014, and results of the
1334 report must be included in the annual report under s. 1002.82.

1335 1002.86 School readiness program; education component.—The
1336 education component of the school readiness program should be
1337 developmentally appropriate and based on research, involve the
1338 parent as the child's first teacher, serve as a preventive
1339 measure for children at risk of future school failure, and
1340 enhance the educational readiness of eligible children. The
1341 school readiness program should be of assistance to parents in
1342 preparing their at-risk children for educational success,
1343 including, as appropriate, health screening and referral.

1344 1002.87 School readiness program; eligibility and
1345 enrollment.—

1346 (1) Effective August 1, 2013, or upon reevaluation of



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1347 eligibility for children currently served, whichever is later,
1348 each early learning coalition shall give priority for
1349 participation in the school readiness program as follows:

1350 (a) Priority shall be given first to a child younger than
1351 13 years of age from a family that includes a parent who is
1352 receiving temporary cash assistance under chapter 414 and
1353 subject to the federal work requirements.

1354 (b) Priority shall be given next to an at-risk child
1355 younger than 9 years of age.

1356 (c) Priority shall be given next to a child from birth to
1357 the beginning of the school year for which the child is eligible
1358 for admission to kindergarten in a public school under s.
1359 1003.21(1)(a)2. who is from a working family that is
1360 economically disadvantaged, and may include such child's
1361 eligible siblings, beginning with the school year in which the
1362 sibling is eligible for admission to kindergarten in a public
1363 school under s. 1003.21(1)(a)2. until the beginning of the
1364 school year in which the sibling is eligible to begin 6th grade,
1365 provided that the first priority for funding an eligible sibling
1366 is local revenues available to the coalition for funding direct
1367 services. However, a child eligible under this paragraph ceases
1368 to be eligible if his or her family income exceeds 200 percent
1369 of the federal poverty level.

1370 (d) Priority shall be given next to an at-risk child who is
1371 at least 9 years of age but younger than 13 years of age. An at-
1372 risk child whose sibling is enrolled in the school readiness
1373 program within an eligibility priority category listed in
1374 paragraphs (a)-(c) shall be given priority over other children
1375 who are eligible under this paragraph.



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1376 (e) Priority shall be given next to a child who is younger
1377 than 13 years of age from a working family that is economically
1378 disadvantaged. A child who is eligible under this paragraph
1379 whose sibling is enrolled in the school readiness program under
1380 paragraph (c) shall be given priority over other children who
1381 are eligible under this paragraph. However, a child eligible
1382 under this paragraph ceases to be eligible if his or her family
1383 income exceeds 200 percent of the federal poverty level.

1384 (f) Priority shall be given next to a child who has special
1385 needs, has been determined eligible as a student with a
1386 disability, has a current individual education plan with a
1387 Florida school district, and is not younger than 3 years of age.
1388 A special needs child eligible under this paragraph remains
1389 eligible until the child is eligible for admission to
1390 kindergarten in a public school under s. 1003.21(1)(a)2.

1391 (g) Priority shall be given next to a child of a parent who
1392 transitions from the work program into employment as described
1393 in s. 445.032.

1394 (h) Notwithstanding paragraphs (a)-(d), priority shall be
1395 given last to a child who otherwise meets one of the eligibility
1396 criteria in paragraphs (a)-(d) but who is also enrolled
1397 concurrently in the federal Head Start Program and the Voluntary
1398 Prekindergarten Education Program.

1399 (2) A school readiness program provider may be paid only
1400 for authorized hours of care provided for a child in the school
1401 readiness program. A child enrolled in the Voluntary
1402 Prekindergarten Education Program may receive care from the
1403 school readiness program if the child is eligible according to
1404 the eligibility priorities in this section.



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1405 (3) Contingent upon the availability of funds, a coalition
1406 shall enroll eligible children, including those from its waiting
1407 list, according to the eligibility priorities in this section.

1408 (4) The parent of a child enrolled in the school readiness
1409 program must notify the coalition or its designee within 10 days
1410 after any change in employment, income, or family size. Upon
1411 notification by the parent, the child's eligibility must be
1412 reevaluated.

1413 (5) A child whose eligibility priority category requires
1414 the child to be from a working family ceases to be eligible for
1415 the school readiness program if a parent with whom the child
1416 resides does not reestablish employment within 60 days after
1417 becoming unemployed.

1418 (6) Eligibility for each child must be reevaluated
1419 annually. Upon reevaluation, a child may not continue to receive
1420 school readiness program services if he or she has ceased to be
1421 eligible under this section.

1422 (7) If a coalition disenrolls children from the school
1423 readiness program, the coalition must disenroll the children in
1424 reverse order of the eligibility priorities listed in subsection
1425 (1) beginning with children from families with the highest
1426 family incomes. A notice of disenrollment must be sent to the
1427 parent and school readiness program provider at least 2 weeks
1428 before disenrollment to provide adequate time for the parent to
1429 arrange alternative care for the child. However, an at-risk
1430 child may not be disenrolled from the program without the
1431 written approval of the Child Welfare Program Office of the
1432 Department of Children and Families or the community-based lead
1433 agency.



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1434 (8) If a child is absent from the program for 5 consecutive
1435 days without parental notification to the program of such
1436 absence, the school readiness program provider shall report the
1437 absence to the early learning coalition for a determination of
1438 the need for continued care.

1439 (9) Notwithstanding s. 39.604, a school readiness program
1440 provider, regardless of whether the provider is licensed, shall
1441 comply with the reporting requirements of the Rilya Wilson Act
1442 for each at-risk child under the age of school entry who is
1443 enrolled in the school readiness program.

1444 1002.88 School readiness program provider standards;
1445 eligibility to deliver the school readiness program.-

1446 (1) To be eligible to deliver the school readiness program,
1447 a school readiness program provider must:

1448 (a) Be a child care facility licensed under s. 402.305, a
1449 family day care home licensed or registered under s. 402.313, a
1450 large family child care home licensed under s. 402.3131, a
1451 public school or nonpublic school exempt from licensure under s.
1452 402.3025, a faith-based child care provider exempt from
1453 licensure under s. 402.316, a before-school or after-school
1454 program described in s. 402.305(1)(c), or an informal child care
1455 provider to the extent authorized in the state's Child Care and
1456 Development Fund Plan as approved by the United States
1457 Department of Health and Human Services pursuant to 45 C.F.R. s.
1458 98.18.

1459 (b) Provide instruction and activities to enhance the age-
1460 appropriate progress of each child in attaining the child
1461 development standards adopted by the office pursuant to s.
1462 1002.82(2)(j). A provider should include activities to foster



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1463 brain development in infants and toddlers; provide an
1464 environment that is rich in language and music and filled with
1465 objects of various colors, shapes, textures, and sizes to
1466 stimulate visual, tactile, auditory, and linguistic senses; and
1467 include 30 minutes of reading to children each day.

1468 (c) Provide basic health and safety of its premises and
1469 facilities and compliance with requirements for age-appropriate
1470 immunizations of children enrolled in the school readiness
1471 program. For a child care facility, a large family child care
1472 home, or a licensed family day care home, compliance with s.
1473 402.305, s. 402.3131, or s. 402.313 satisfies this requirement.
1474 For a public or nonpublic school, compliance with s. 402.3025 or
1475 s. 1003.22 satisfies this requirement. A faith-based child care
1476 provider, an informal child care provider, or a nonpublic
1477 school, exempt from licensure under ss. 402.316 or 402.3025,
1478 shall annually complete the health and safety checklist adopted
1479 by the office, post the checklist prominently on its premises in
1480 plain sight for visitors and parents, and submit it annually to
1481 its local early learning coalition.

1482 (d) Provide an appropriate staff-to-children ratio,
1483 pursuant to s. 402.305(4) or s. 402.302(8) or (11), as
1484 applicable, and as verified pursuant to s. 402.311.

1485 (e) Provide a healthy and safe environment pursuant to s.
1486 402.305(5), (6), and (7), as applicable, and as verified
1487 pursuant to s. 402.311.

1488 (f) Implement one of the curricula approved by the office
1489 that meets the child development standards.

1490 (g) Implement a character development program to develop
1491 basic values.



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1492 (h) Collaborate with the respective early learning
1493 coalition to complete initial screening for each child, aged 6
1494 weeks to kindergarten eligibility, within 45 days after the
1495 child's first or subsequent enrollment, to identify a child who
1496 may need individualized supports.

1497 (i) Implement minimum standards for child discipline
1498 practices that are age-appropriate and consistent with the
1499 requirements in s. 402.305(12). Such standards must provide that
1500 children not be subjected to discipline that is severe,
1501 humiliating, or frightening or discipline that is associated
1502 with food, rest, or toileting. Spanking or any other form of
1503 physical punishment is prohibited.

1504 (j) Obtain and keep on file record of the child's
1505 immunizations, physical development, and other health
1506 requirements as necessary, including appropriate vision and
1507 hearing screening and examination, within 30 days after
1508 enrollment.

1509 (k) Implement before-school or after-school programs that
1510 meet or exceed the requirements of s. 402.305(5), (6), and (7).

1511 (l) For a provider that is not an informal provider,
1512 maintain general liability insurance and provide the coalition
1513 with written evidence of general liability insurance coverage,
1514 including coverage for transportation of children if school
1515 readiness program children are transported by the provider. A
1516 provider must obtain and retain an insurance policy that
1517 provides a minimum of \$100,000 of coverage per occurrence and a
1518 minimum of \$300,000 general aggregate coverage. The office may
1519 authorize lower limits upon request, as appropriate. A provider
1520 must add the coalition as a named certificateholder and as an



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1521 additional insured. A provider must provide the coalition with a
1522 minimum of 10 calendar days' advance written notice of
1523 cancellation of or changes to coverage. The general liability
1524 insurance required by this paragraph must remain in full force
1525 and effect for the entire period of the provider contract with
1526 the coalition.

1527 (m) For a provider that is an informal provider, comply
1528 with the provisions of paragraph (l) or maintain homeowner's
1529 liability insurance and, if applicable, a business rider. If an
1530 informal provider chooses to maintain a homeowner's policy, the
1531 provider must obtain and retain a homeowner's insurance policy
1532 that provides a minimum of \$100,000 of coverage per occurrence
1533 and a minimum of \$300,000 general aggregate coverage. The office
1534 may authorize lower limits upon request, as appropriate. An
1535 informal provider must add the coalition as a named
1536 certificateholder and as an additional insured. An informal
1537 provider must provide the coalition with a minimum of 10
1538 calendar days' advance written notice of cancellation of or
1539 changes to coverage. The general liability insurance required by
1540 this paragraph must remain in full force and effect for the
1541 entire period of the provider's contract with the coalition.

1542 (n) Obtain and maintain any required workers' compensation
1543 insurance under chapter 440 and any required reemployment
1544 assistance or unemployment compensation coverage under chapter
1545 443.

1546 (o) Notwithstanding paragraph (l), for a provider that is a
1547 state agency or a subdivision thereof, as defined in s.
1548 768.28(2), agree to notify the coalition of any additional
1549 liability coverage maintained by the provider in addition to



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1550 that otherwise established under s. 768.28. The provider shall
1551 indemnify the coalition to the extent permitted by s. 768.28.

1552 (p) Execute the standard statewide provider contract
1553 adopted by the office.

1554 (q) Operate on a full-time and part-time basis and provide
1555 extended-day and extended-year services to the maximum extent
1556 possible without compromising the quality of the program to meet
1557 the needs of parents who work.

1558 (2) If a school readiness program provider fails or refuses
1559 to comply with this part or any contractual obligation of the
1560 statewide provider contract under s. 1002.82(2)(m), the
1561 coalition may revoke the provider's eligibility to deliver the
1562 school readiness program or receive state or federal funds under
1563 this chapter for a period of 5 years.

1564 (3) The office and the coalitions may not:

1565 (a) Impose any requirement on a child care provider or
1566 early childhood education provider that does not deliver
1567 services under the school readiness program or receive state or
1568 federal funds under this part;

1569 (b) Impose any requirement on a school readiness program
1570 provider that exceeds the authority provided under this part or
1571 part V of this chapter or rules adopted pursuant to this part or
1572 part V of this chapter; or

1573 (c) Require a provider to administer a preassessment or
1574 postassessment.

1575 1002.89 School readiness program; funding.—

1576 (1) Funding for the school readiness program shall be
1577 allocated among the early learning coalitions in accordance with
1578 this section and the General Appropriations Act.



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1579 (2) The office shall administer school readiness program
1580 funds and prepare and submit a unified budget request for the
1581 school readiness program in accordance with chapter 216.

1582 (3) All instructions to early learning coalitions for
1583 administering this section shall emanate from the office in
1584 accordance with the policies of the Legislature.

1585 (4) All cost savings and all revenues received through a
1586 mandatory sliding fee scale shall be used to increase the number
1587 of children served.

1588 (5) All state, federal, and local matching funds provided
1589 to an early learning coalition for purposes of this section
1590 shall be used for implementation of its approved school
1591 readiness program plan, including the hiring of staff to
1592 effectively operate the school readiness program.

1593 (6) Costs shall be kept to the minimum necessary for the
1594 efficient and effective administration of the school readiness
1595 program with the highest priority of expenditure being direct
1596 services for eligible children. However, no more than 5 percent
1597 of the funds described in subsection (5) may be used for
1598 administrative costs and no more than 22 percent of the funds
1599 described in subsection (5) may be used in any fiscal year for
1600 any combination of administrative costs, quality activities, and
1601 nondirect services as follows:

1602 (a) Administrative costs as described in 45 C.F.R. s.
1603 98.52, which shall include monitoring providers using the
1604 standard methodology adopted under s. 1002.82 to improve
1605 compliance with state and federal regulations and law pursuant
1606 to the requirements of the statewide provider contract adopted
1607 under s. 1002.82(2)(m).



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1608 (b) Activities to improve the quality of child care as
1609 described in 45 C.F.R. s. 98.51, which shall be limited to the
1610 following:

1611 1. Developing, establishing, expanding, operating, and
1612 coordinating resource and referral programs specifically related
1613 to the provision of comprehensive consumer education to parents
1614 and the public regarding participation in the school readiness
1615 program and parental choice.

1616 2. Awarding grants to school readiness program providers to
1617 assist them in meeting applicable state requirements for child
1618 care performance standards, implementing developmentally
1619 appropriate curricula and related classroom resources that
1620 support curricula, providing literacy supports, and providing
1621 professional development. Any grants awarded pursuant to this
1622 subparagraph shall comply with the requirements of ss. 215.971
1623 and 287.058.

1624 3. Providing training and technical assistance for school
1625 readiness program providers, staff, and parents on standards,
1626 child screenings, child assessments, developmentally appropriate
1627 curricula, character development, teacher-child interactions,
1628 age-appropriate discipline practices, health and safety,
1629 nutrition, first aid, the recognition of communicable diseases,
1630 and child abuse detection and prevention.

1631 4. Providing from among the funds provided for the
1632 activities described in subparagraphs 1.-3., adequate funding
1633 for infants and toddlers as necessary to meet federal
1634 requirements related to expenditures for quality activities for
1635 infant and toddler care.

1636 5. Improving the monitoring of compliance with, and



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1637 enforcement of, applicable state and local requirements as
1638 described in and limited by 45 C.F.R. s. 98.40.

1639 6. Responding to Warm-Line requests by providers and
1640 parents related to school readiness program children, including
1641 providing developmental and health screenings to school
1642 readiness program children.

1643 (c) Nondirect services as described in applicable Office of
1644 Management and Budget instructions are those services not
1645 defined as administrative, direct, or quality services that are
1646 required to administer the school readiness program. Such
1647 services include, but are not limited to:

1648 1. Assisting families to complete the required application
1649 and eligibility documentation.

1650 2. Determining child and family eligibility.

1651 3. Recruiting eligible child care providers.

1652 4. Processing and tracking attendance records.

1653 5. Developing and maintaining a statewide child care
1654 information system.

1655
1656 As used in this paragraph, the term "nondirect services" does
1657 not include payments to school readiness program providers for
1658 direct services provided to children who are eligible under s.
1659 1002.87, administrative costs as described in paragraph (a), or
1660 quality activities as described in paragraph (b).

1661 (7) Funds appropriated for the school readiness program may
1662 not be expended for the purchase or improvement of land, for the
1663 purchase, construction, or permanent improvement of any building
1664 or facility, or for the purchase of buses. However, funds may be
1665 expended for minor remodeling and upgrading child care



1666 facilities to ensure that providers meet state and local child
1667 care standards, including applicable health and safety
1668 requirements.

1669 (8) Beginning in the 2014-2015 fiscal year, all state-
1670 appropriated funding for the school readiness program shall be
1671 allocated to early learning coalitions based on the average
1672 prior year enrollment and the uniform waiting list as adopted by
1673 the Early Learning Programs Estimating Conference pursuant to s.
1674 216.136(8) and using the average market rate by program care
1675 level and provider type pursuant to s. 1002.895.

1676 1002.895 Market rate schedule.—The school readiness program
1677 market rate schedule shall be implemented as follows:

1678 (1) The office shall establish procedures for the adoption
1679 of a market rate schedule. The schedule must include, at a
1680 minimum, county-by-county rates:

1681 (a) The market rate, including the minimum and the maximum
1682 rates for child care providers that hold a Gold Seal Quality
1683 Care designation under s. 402.281.

1684 (b) The market rate for child care providers that do not
1685 hold a Gold Seal Quality Care designation.

1686 (2) The market rate schedule, at a minimum, must:

1687 (a) Differentiate rates by type, including, but not limited
1688 to, a child care provider that holds a Gold Seal Quality Care
1689 designation under s. 402.281, a child care facility licensed
1690 under s. 402.305, a public or nonpublic school exempt from
1691 licensure under s. 402.3025, a faith-based child care facility
1692 exempt from licensure under s. 402.316 that does not hold a Gold
1693 Seal Quality Care designation, a large family child care home
1694 licensed under s. 402.3131, or a family day care home licensed



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1695 or registered under s. 402.313.

1696 (b) Differentiate rates by the type of child care services
1697 provided for children with special needs or risk categories,
1698 infants, toddlers, preschool-age children, and school-age
1699 children.

1700 (c) Differentiate rates between full-time and part-time
1701 child care services.

1702 (d) Consider discounted rates for child care services for
1703 multiple children in a single family.

1704 (3) The market rate schedule must be based exclusively on
1705 the prices charged for child care services.

1706 (4) The market rate schedule shall be considered by an
1707 early learning coalition in the adoption of a payment schedule.
1708 The payment schedule must take into consideration the average
1709 market rate, include the projected number of children to be
1710 served, and be submitted for approval by the office. Informal
1711 child care arrangements shall be reimbursed at not more than 50
1712 percent of the rate adopted for a family day care home.

1713 (5) The office may contract with one or more qualified
1714 entities to administer this section and provide support and
1715 technical assistance for child care providers.

1716 (6) The office may adopt rules for establishing procedures
1717 for the collection of child care providers' market rate, the
1718 calculation of the average market rate by program care level and
1719 provider type in a predetermined geographic market, and the
1720 publication of the market rate schedule.

1721 1002.91 Investigations of fraud or overpayment; penalties.—

1722 (1) As used in this subsection, the term "fraud" means an
1723 intentional deception, omission, or misrepresentation made by a



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1724 person with knowledge that the deception, omission, or
1725 misrepresentation may result in unauthorized benefit to that
1726 person or another person, or any aiding and abetting of the
1727 commission of such an act. The term includes any act that
1728 constitutes fraud under applicable federal or state law.

1729 (2) To recover state, federal, and local matching funds,
1730 the office shall investigate early learning coalitions,
1731 recipients, and providers of the school readiness program and
1732 the Voluntary Prekindergarten Education Program to determine
1733 possible fraud or overpayment. If by its own inquiries, or as a
1734 result of a complaint, the office has reason to believe that a
1735 person, coalition, or provider has engaged in, or is engaging
1736 in, a fraudulent act, it shall investigate and determine whether
1737 any overpayment has occurred due to the fraudulent act. During
1738 the investigation, the office may examine all records, including
1739 electronic benefits transfer records, and make inquiry of all
1740 persons who may have knowledge as to any irregularity incidental
1741 to the disbursement of public moneys or other items or benefits
1742 authorizations to recipients.

1743 (3) Based on the results of the investigation, the office
1744 may, in its discretion, refer the investigation to the
1745 Department of Financial Services for criminal investigation or
1746 refer the matter to the applicable coalition. Any suspected
1747 criminal violation identified by the office must be referred to
1748 the Department of Financial Services for criminal investigation.

1749 (4) An early learning coalition may suspend or terminate a
1750 provider from participation in the school readiness program or
1751 the Voluntary Prekindergarten Education Program when it has
1752 reasonable cause to believe that the provider has committed



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1753 fraud. The office shall adopt by rule appropriate due process
1754 procedures that the early learning coalition shall apply in
1755 suspending or terminating any provider, including the suspension
1756 or termination of payment. If suspended, the provider shall
1757 remain suspended until the completion of any investigation by
1758 the office, the Department of Financial Services, or any other
1759 state or federal agency, and any subsequent prosecution or other
1760 legal proceeding.

1761 (5) If a school readiness program provider or a Voluntary
1762 Prekindergarten Education Program provider, or an owner,
1763 officer, or director thereof, is convicted of, found guilty of,
1764 or pleads guilty or nolo contendere to, regardless of
1765 adjudication, public assistance fraud pursuant to s. 414.39, or
1766 is acting as the beneficial owner for someone who has been
1767 convicted of, found guilty of, or pleads guilty or nolo
1768 contendere to, regardless of adjudication, public assistance
1769 fraud pursuant to s. 414.39, the early learning coalition shall
1770 refrain from contracting with, or using the services of, that
1771 provider for a period of 5 years. In addition, the coalition
1772 shall refrain from contracting with, or using the services of,
1773 any provider that shares an officer or director with a provider
1774 that is convicted of, found guilty of, or pleads guilty or nolo
1775 contendere to, regardless of adjudication, public assistance
1776 fraud pursuant to s. 414.39 for a period of 5 years.

1777 (6) If the investigation is not confidential or otherwise
1778 exempt from disclosure by law, the results of the investigation
1779 may be reported by the office to the appropriate legislative
1780 committees, the Department of Children and Families, and such
1781 other persons as the office deems appropriate.



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1782 (7) The early learning coalition may not contract with a
1783 school readiness program provider or a Voluntary Prekindergarten
1784 Education Program provider who is on the United States
1785 Department of Agriculture National Disqualified List. In
1786 addition, the coalition may not contract with any provider that
1787 shares an officer or director with a provider that is on the
1788 United States Department of Agriculture National Disqualified
1789 List.

1790 (8) Each early learning coalition shall adopt an anti-fraud
1791 plan addressing the detection and prevention of overpayments,
1792 abuse, and fraud relating to the provision of and payment for
1793 school readiness program and Voluntary Prekindergarten Education
1794 Program services and submit the plan to the office for approval.
1795 The office shall adopt rules establishing criteria for the anti-
1796 fraud plan, including appropriate due process provisions. The
1797 anti-fraud plan must include, at a minimum:

1798 (a) A written description or chart outlining the
1799 organizational structure of the plan's personnel who are
1800 responsible for the investigation and reporting of possible
1801 overpayment, abuse, or fraud.

1802 (b) A description of the plan's procedures for detecting
1803 and investigating possible acts of fraud, abuse, or overpayment.

1804 (c) A description of the plan's procedures for the
1805 mandatory reporting of possible overpayment, abuse, or fraud to
1806 the Office of Inspector General within the office.

1807 (d) A description of the plan's program and procedures for
1808 educating and training personnel on how to detect and prevent
1809 fraud, abuse, and overpayment.

1810 (e) A description of the plan's procedures, including the



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1811 appropriate due process provisions adopted by the office for
1812 suspending or terminating from the school readiness program or
1813 the Voluntary Prekindergarten Education Program a recipient or
1814 provider who the early learning coalition believes has committed
1815 fraud.

1816 (9) A person who commits an act of fraud as defined in this
1817 section is subject to the penalties provided in s. 414.39(5) (a)
1818 and (b).

1819 1002.92 Child care and early childhood resource and
1820 referral.—

1821 (1) As a part of the school readiness program, the office
1822 shall establish a statewide child care resource and referral
1823 network that is unbiased and provides referrals to families for
1824 child care and information on available community resources.
1825 Preference shall be given to using early learning coalitions as
1826 the child care resource and referral agencies. If an early
1827 learning coalition cannot comply with the requirements to offer
1828 the resource information component or does not want to offer
1829 that service, the early learning coalition shall select the
1830 resource and referral agency for its county or multicounty
1831 region based upon the procurement requirements of s.
1832 1002.84(12).

1833 (2) At least one child care resource and referral agency
1834 must be established in each early learning coalition's county or
1835 multicounty region. The office shall adopt rules regarding
1836 accessibility of child care resource and referral services
1837 offered through child care resource and referral agencies in
1838 each county or multicounty region which include, at a minimum,
1839 required hours of operation, methods by which parents may



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1840 request services, and child care resource and referral staff
1841 training requirements.

1842 (3) Child care resource and referral agencies shall provide
1843 the following services:

1844 (a) Identification of existing public and private child
1845 care and early childhood education services, including child
1846 care services by public and private employers, and the
1847 development of a resource file of those services through the
1848 single statewide information system developed by the office
1849 under s. 1002.82(2)(n). These services may include family day
1850 care, public and private child care programs, the Voluntary
1851 Prekindergarten Education Program, Head Start, the school
1852 readiness program, special education programs for
1853 prekindergarten children with disabilities, services for
1854 children with developmental disabilities, full-time and part-
1855 time programs, before-school and after-school programs, vacation
1856 care programs, parent education, the temporary cash assistance
1857 program, and related family support services. The resource file
1858 shall include, but not be limited to:

- 1859 1. Type of program.
- 1860 2. Hours of service.
- 1861 3. Ages of children served.
- 1862 4. Number of children served.
- 1863 5. Program information.
- 1864 6. Fees and eligibility for services.
- 1865 7. Availability of transportation.

1866 (b) Establishment of a referral process that responds to
1867 parental need for information and that is provided with full
1868 recognition of the confidentiality rights of parents. The



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1869 resource and referral network shall make referrals to legally
1870 operating child care facilities. Referrals may not be made to a
1871 child care facility that is operating illegally.

1872 (c) Maintenance of ongoing documentation of requests for
1873 service tabulated through the internal referral process through
1874 the single statewide information system. The following
1875 documentation of requests for service shall be maintained by the
1876 child care resource and referral network:

1877 1. Number of calls and contacts to the child care resource
1878 information and referral network component by type of service
1879 requested.

1880 2. Ages of children for whom service was requested.

1881 3. Time category of child care requests for each child.

1882 4. Special time category, such as nights, weekends, and
1883 swing shift.

1884 5. Reason that the child care is needed.

1885 6. Name of the employer and primary focus of the business
1886 for an employer based child care program.

1887 (d) Provision of technical assistance to existing and
1888 potential providers of child care services. This assistance may
1889 include:

1890 1. Information on initiating new child care services,
1891 zoning, and program and budget development and assistance in
1892 finding such information from other sources.

1893 2. Information and resources which help existing child care
1894 services providers to maximize their ability to serve children
1895 and parents in their community.

1896 3. Information and incentives that may help existing or
1897 planned child care services offered by public or private



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1898 employers seeking to maximize their ability to serve the
1899 children of their working parent employees in their community,
1900 through contractual or other funding arrangements with
1901 businesses.

1902 (e) Assistance to families and employers in applying for
1903 various sources of subsidy, including, but not limited to, the
1904 Voluntary Prekindergarten Education Program, the school
1905 readiness program, Head Start, Project Independence, private
1906 scholarships, and the federal child and dependent care tax
1907 credit.

1908 (f) Assistance to families to negotiate discounts or other
1909 special arrangements with child care providers.

1910 (g) Assistance to families in identifying summer recreation
1911 camp and summer day camp programs to help families make informed
1912 choice. Contingent upon specific appropriation, a checklist of
1913 important health and safety qualities that parents can use to
1914 choose their summer camp programs shall be developed and
1915 distributed in a manner that will reach parents interested in
1916 such programs for their children.

1917 (h) Assistance to families for accessing local community
1918 resources.

1919 (4) A child care facility licensed under s. 402.305 and
1920 licensed and registered family day care homes must provide the
1921 statewide child care and resource and referral network with the
1922 following information annually:

1923 (a) Type of program.

1924 (b) Hours of service.

1925 (c) Ages of children served.

1926 (d) Fees and eligibility for services.



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1927 1002.93 School readiness program transportation services.-

1928 (1) The office may authorize an early learning coalition to
1929 establish school readiness program transportation services for
1930 children at risk of abuse or neglect who are participating in
1931 the school readiness program, pursuant to chapter 427. The early
1932 learning coalitions may contract for the provision of
1933 transportation services as required by this section.

1934 (2) The transportation servicers may only provide
1935 transportation to each child participating in the school
1936 readiness program to the extent that such transportation is
1937 necessary to provide child care opportunities that otherwise
1938 would not be available to a child whose home is more than a
1939 reasonable walking distance from the nearest child care facility
1940 or family day care home.

1941 1002.94 Child Care Executive Partnership Program.-

1942 (1) There is created a body politic and corporate known as
1943 the Child Care Executive Partnership which shall establish and
1944 govern the Child Care Executive Partnership Program. The purpose
1945 of the Child Care Executive Partnership Program is to use state
1946 and federal funds as incentives for matching local funds derived
1947 from local governments, employers, charitable foundations, and
1948 other sources so that Florida communities may create local
1949 flexible partnerships with employers. The Child Care Executive
1950 Partnership Program funds shall be used at the discretion of
1951 local communities to meet the needs of working parents. A child
1952 care purchasing pool shall be developed with the state, federal,
1953 and local funds to provide subsidies to low-income working
1954 parents whose family income does not exceed the allowable income
1955 for any federally subsidized child care program with a dollar-



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1956 for-dollar match from employers, local government, and other
1957 matching contributions. The funds used from the child care
1958 purchasing pool must be used to supplement or extend the use of
1959 existing public or private funds for direct services.

1960 (2) The Child Care Executive Partnership, staffed by the
1961 office, shall consist of a representative of the Executive
1962 Office of the Governor and nine members of the corporate or
1963 child care community, appointed by the Governor.

1964 (a) Members shall serve for a period of 4 years, except
1965 that the representative of the Executive Office of the Governor
1966 shall serve at the pleasure of the Governor.

1967 (b) The Child Care Executive Partnership shall be chaired
1968 by a member chosen by a majority vote and shall meet at least
1969 quarterly and at other times upon the call of the chair. The
1970 Child Care Executive Partnership may use any method of
1971 telecommunications to conduct meetings, including establishing a
1972 quorum through telecommunications, only if the public is given
1973 proper notice of a telecommunications meeting and reasonable
1974 access to observe and, when appropriate, participate.

1975 (c) Members shall serve without compensation, but may be
1976 reimbursed for per diem and travel expenses in accordance with
1977 s. 112.061.

1978 (d) The Child Care Executive Partnership shall have all the
1979 powers and authority, not explicitly prohibited by law,
1980 necessary to carry out and effectuate the purposes of this
1981 section, as well as the functions, duties, and responsibilities
1982 of the partnership, including, but not limited to, the
1983 following:

1984 1. Making recommendations concerning the implementation and



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1985 coordination of the school readiness program.
1986 2. Soliciting, accepting, receiving, investing, and
1987 expending funds from public or private sources.
1988 3. Contracting with public or private entities as
1989 necessary.
1990 4. Approving an annual budget.
1991 5. Providing a report to the Governor, the Speaker of the
1992 House of Representatives, and the President of the Senate on or
1993 before December 1 of each year.
1994
1995 Notwithstanding this subsection, the corporate body politic
1996 previously established by prior law is the corporate body
1997 politic for purposes of this section and shall continue in
1998 existence. All member terms of the existing corporate body
1999 politic expire as of June 30, 2013, and new members shall be
2000 appointed beginning July 1, 2013, in accordance with this
2001 subsection.
2002 (3) (a) The Legislature shall annually determine the amount
2003 of state or federal low-income child care moneys which shall be
2004 used to create Child Care Executive Partnership Program child
2005 care purchasing pools in counties chosen by the Child Care
2006 Executive Partnership provided that at least two of the counties
2007 have populations of no more than 300,000. The Legislature shall
2008 annually review the effectiveness of the child care purchasing
2009 pool program and reevaluate the percentage of additional state
2010 or federal funds, if any, which can be used for the program's
2011 expansion.
2012 (b) To ensure a seamless service delivery and ease of
2013 access for families, the office shall administer the child care



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2014 purchasing pool funds.

2015 (c) The office, in conjunction with the Child Care
2016 Executive Partnership, shall develop procedures for disbursement
2017 of funds through the child care purchasing pools. In order to be
2018 considered for funding, an early learning coalition or the
2019 office must commit to:

2020 1. Matching the state purchasing pool funds on a dollar-
2021 for-dollar basis.

2022 2. Expending only those public funds that are matched by
2023 employers, local government, and other matching contributors who
2024 contribute to the purchasing pool. Parents shall also pay a fee,
2025 which may not be less than the amount identified in the early
2026 learning coalition's school readiness program sliding fee scale.

2027 (d) Each early learning coalition shall establish a
2028 community child care task force for each child care purchasing
2029 pool. The task force must be composed of employers, parents,
2030 private child care providers, and one representative from the
2031 local children's services council, if one exists in the area of
2032 the purchasing pool. The early learning coalition is expected to
2033 recruit the task force members from existing child care
2034 councils, commissions, or task forces already operating in the
2035 area of a purchasing pool. A majority of the task force shall
2036 consist of employers.

2037 (e) Each participating early learning coalition shall
2038 develop a plan for the use of child care purchasing pool funds.
2039 The plan must show how many children will be served by the
2040 purchasing pool, how many will be new to receiving child care
2041 services, and how the early learning coalition intends to
2042 attract new employers and their employees to the program.



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2043 (4) The office may adopt any rules necessary for the
2044 implementation and administration of this section.

2045 1002.95 Teacher Education and Compensation Helps (TEACH)
2046 scholarship program.-

2047 (1) The office may contract for the administration of the
2048 Teacher Education and Compensation Helps (TEACH) scholarship
2049 program, which provides educational scholarships to caregivers
2050 and administrators of early childhood programs, family day care
2051 homes, and large family child care homes. The goal of the
2052 program is to increase the education and training for
2053 caregivers, increase the compensation for child caregivers who
2054 complete the program requirements, and reduce the rate of
2055 participant turnover in the field of early childhood education.

2056 (2) The office shall adopt rules as necessary to administer
2057 this section.

2058 1002.96 Early Head Start collaboration grants.-

2059 (1) Contingent upon specific appropriation, the office
2060 shall establish a program to award collaboration grants to
2061 assist local agencies in securing Early Head Start programs
2062 through Early Head Start program federal grants. The
2063 collaboration grants shall provide the required matching funds
2064 for public and private nonprofit agencies that have been
2065 approved for Early Head Start program federal grants.

2066 (2) Public and private nonprofit agencies providing Early
2067 Head Start programs applying for collaborative grants must:

2068 (a) Meet the requirements in the Head Start program
2069 performance standards and other applicable rules and
2070 regulations.

2071 (b) Collaborate with other service providers at the local



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2072 level.

2073 (c) Provide a comprehensive array of health, nutritional,
2074 and other services to the program's pregnant women and very
2075 young children, and their families.

2076 (3) The office may adopt rules as necessary for the award
2077 of collaboration grants to competing agencies and the
2078 administration of the collaboration grants program under this
2079 section.

2080 Section 18. Section 411.011, Florida Statutes, is
2081 transferred, renumbered as section 1002.97, Florida Statutes,
2082 and amended to read:

2083 1002.97 ~~411.011~~ Records of children in the school readiness
2084 program programs.-

2085 (1) The individual records of children enrolled in the
2086 school readiness program programs provided under this part s.
2087 ~~411.01~~, held by an early learning coalition or the office ~~of~~
2088 ~~Early Learning~~, are confidential and exempt from s. 119.07(1)
2089 and s. 24(a), Art. I of the State Constitution. For purposes of
2090 this section, records include assessment data, health data,
2091 records of teacher observations, and personal identifying
2092 information.

2093 (2) A parent, ~~guardian, or individual acting as a parent in~~
2094 ~~the absence of a parent or guardian~~ has the right to inspect and
2095 review the individual school readiness program record of his or
2096 her child and to obtain a copy of the record.

2097 (3) School readiness program records may be released to:

2098 (a) The United States Secretary of Education, the United
2099 States Secretary of Health and Human Services, and the
2100 Comptroller General of the United States for the purpose of



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2101 federal audits and investigations.

2102 (b) Individuals or organizations conducting studies for
2103 institutions to develop, validate, or administer assessments or
2104 improve instruction.

2105 (c) Accrediting organizations in order to carry out their
2106 accrediting functions.

2107 (d) Appropriate parties in connection with an emergency if
2108 the information is necessary to protect the health or safety of
2109 the child enrollee or other individuals.

2110 (e) The Office of Program Policy Analysis and Government
2111 Accountability and the Auditor General in connection with their
2112 ~~his or her~~ official functions.

2113 (f) A court of competent jurisdiction in compliance with an
2114 order of that court in accordance with a lawfully issued
2115 subpoena.

2116 (g) Parties to an interagency agreement among early
2117 learning coalitions, local governmental agencies, providers of
2118 the school readiness program programs, state agencies, and the
2119 office of ~~Early Learning~~ for the purpose of implementing the
2120 school readiness program.

2121
2122 Agencies, organizations, or individuals that receive school
2123 readiness program records in order to carry out their official
2124 functions must protect the data in a manner that does not permit
2125 the personal identification of a child enrolled in a school
2126 readiness program and his or her parent ~~parents~~ by persons other
2127 than those authorized to receive the records.

2128 Section 19. Paragraph (p) of subsection (3) of section
2129 11.45, Florida Statutes, is amended to read:



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2130 11.45 Definitions; duties; authorities; reports; rules.—
2131 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
2132 General may, pursuant to his or her own authority, or at the
2133 direction of the Legislative Auditing Committee, conduct audits
2134 or other engagements as determined appropriate by the Auditor
2135 General of:
2136 (p) The school readiness program system, including the
2137 early learning coalitions, ~~created~~ under part VI of chapter 1002
2138 ~~s. 411.01~~.
2139 Section 20. Paragraph (h) of subsection (3) of section
2140 20.15, Florida Statutes, is amended to read:
2141 20.15 Department of Education.—There is created a
2142 Department of Education.
2143 (3) DIVISIONS.—The following divisions of the Department of
2144 Education are established:
2145 ~~(h) The Office of Early Learning, which shall administer~~
2146 ~~the school readiness system in accordance with s. 411.01 and the~~
2147 ~~operational requirements of the Voluntary Prekindergarten~~
2148 ~~Education Program in accordance with part V of chapter 1002. The~~
2149 ~~office is a separate budget entity and is not subject to~~
2150 ~~control, supervision, or direction by the Department of~~
2151 ~~Education or the State Board of Education in any manner~~
2152 ~~including, but not limited to, personnel, purchasing,~~
2153 ~~transactions involving personal property, and budgetary matters.~~
2154 ~~The office director shall be appointed by the Governor and~~
2155 ~~confirmed by the Senate, shall serve at the pleasure of the~~
2156 ~~Governor, and shall be the agency head of the office for all~~
2157 ~~purposes. The office shall enter into a service agreement with~~
2158 ~~the department for professional, technological, and~~



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2159 ~~administrative support services. The office shall be subject to~~
2160 ~~review and oversight by the Chief Inspector General or his or~~
2161 ~~her designee.~~

2162 Section 21. Section 196.198, Florida Statutes, is amended
2163 to read:

2164 196.198 Educational property exemption.—Educational
2165 institutions within this state and their property used by them
2166 or by any other exempt entity or educational institution
2167 exclusively for educational purposes shall be exempt from
2168 taxation. Sheltered workshops providing rehabilitation and
2169 retraining of disabled individuals and exempted by a certificate
2170 under s. (d) of the federal Fair Labor Standards Act of 1938, as
2171 amended, are declared wholly educational in purpose and shall be
2172 exempted from certification, accreditation, and membership
2173 requirements set forth in s. 196.012. Those portions of property
2174 of college fraternities and sororities certified by the
2175 president of the college or university to the appropriate
2176 property appraiser as being essential to the educational process
2177 shall be exempt from ad valorem taxation. The use of property by
2178 public fairs and expositions chartered by chapter 616 is
2179 presumed to be an educational use of such property and shall be
2180 exempt from ad valorem taxation to the extent of such use.
2181 Property used exclusively for educational purposes shall be
2182 deemed owned by an educational institution if the entity owning
2183 100 percent of the educational institution is owned by the
2184 identical persons who own the property or if the entity owning
2185 100 percent of the educational institution and the entity owning
2186 the property are owned by identical natural persons. Land,
2187 buildings, and other improvements to real property used



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2188 exclusively for educational purposes shall be deemed owned by an
2189 educational institution if the entity owning 100 percent of the
2190 land is a nonprofit entity and the land is used, under a ground
2191 lease or other contractual arrangement, by an educational
2192 institution that owns the buildings and other improvements to
2193 the real property, is a nonprofit entity under s. 501(c)(3) of
2194 the Internal Revenue Code, and provides education limited to
2195 students in prekindergarten through grade 8. If legal title to
2196 property is held by a governmental agency that leases the
2197 property to a lessee, the property shall be deemed to be owned
2198 by the governmental agency and used exclusively for educational
2199 purposes if the governmental agency continues to use such
2200 property exclusively for educational purposes pursuant to a
2201 sublease or other contractual agreement with that lessee. If the
2202 title to land is held by the trustee of an irrevocable inter
2203 vivos trust and if the trust grantor owns 100 percent of the
2204 entity that owns an educational institution that is using the
2205 land exclusively for educational purposes, the land is deemed to
2206 be property owned by the educational institution for purposes of
2207 this exemption. Property owned by an educational institution
2208 shall be deemed to be used for an educational purpose if the
2209 institution has taken affirmative steps to prepare the property
2210 for educational use. Affirmative steps means environmental or
2211 land use permitting activities, creation of architectural plans
2212 or schematic drawings, land clearing or site preparation,
2213 construction or renovation activities, or other similar
2214 activities that demonstrate commitment of the property to an
2215 educational use.

2216 Section 22. Paragraph (a) of subsection (8) of section



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2217 216.136, Florida Statutes, is amended to read:

2218 216.136 Consensus estimating conferences; duties and
2219 principals.—

2220 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

2221 (a) The Early Learning Programs Estimating Conference shall
2222 develop estimates and forecasts of the unduplicated count of
2223 children eligible for the school readiness program ~~programs~~ in
2224 accordance with the standards of eligibility established in s.
2225 1002.87 ~~411.01(6)~~, and of children eligible for the Voluntary
2226 Prekindergarten Education Program in accordance with s.

2227 1002.53(2), as the conference determines are needed to support
2228 the state planning, budgeting, and appropriations processes.

2229 Section 23. Paragraph (b) of subsection (1) and subsection
2230 (3) of section 402.281, Florida Statutes, are amended to read:

2231 402.281 Gold Seal Quality Care program.—

2232 (1)

2233 (b) A child care facility, large family child care home, or
2234 family day care home that is accredited by an ~~a nationally~~
2235 ~~recognized~~ accrediting association approved by the department
2236 under subsection (3) and meets all other requirements shall,
2237 upon application to the department, receive a separate "Gold
2238 Seal Quality Care" designation.

2239 (3) (a) In order to be approved by the department for
2240 participation in the Gold Seal Quality Care program, an
2241 accrediting association must apply to the department and
2242 demonstrate that it:

2243 1. Is a ~~nationally~~ recognized accrediting association.

2244 2. Has accrediting standards that substantially meet or
2245 exceed the Gold Seal Quality Care standards adopted by the



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2246 department under subsection (2).

2247 (b) In approving accrediting associations, the Department
2248 of Children and Families shall consult with the Department of
2249 Education, the Florida Head Start Directors Association, the
2250 Florida Association of Child Care Management, the Florida Family
2251 Child Day Care Home Association, the Florida Children's Forum,
2252 the Florida Association for the Education of the Young Early
2253 Childhood Association of Florida, the Child Development
2254 Education Alliance, the Florida Association of Academic
2255 Nonpublic Schools, the Association of Early Learning Coalitions,
2256 providers receiving exemptions under s. 402.316, and parents.

2257 Section 24. Subsection (9) of section 402.302, Florida
2258 Statutes, is amended to read:

2259 402.302 Definitions.—As used in this chapter, the term:

2260 (9) "Household children" means children who are related by
2261 blood, marriage, or legal adoption to, or who are the legal
2262 wards of, the family day care home operator, the large family
2263 child care home operator, or an adult household member who
2264 permanently or temporarily resides in the home. Supervision of
2265 the operator's household children shall be left to the
2266 discretion of the operator unless those children receive
2267 subsidized child care through the school readiness program
2268 pursuant to s. 1002.92 ~~411.0101~~ to be in the home.

2269 Section 25. Paragraph (c) of subsection (1) of section
2270 402.305, Florida Statutes, is amended to read:

2271 402.305 Licensing standards; child care facilities.—

2272 (1) LICENSING STANDARDS.—The department shall establish
2273 licensing standards that each licensed child care facility must
2274 meet regardless of the origin or source of the fees used to



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2275 operate the facility or the type of children served by the
2276 facility.

2277 (c) The minimum standards for child care facilities shall
2278 be adopted in the rules of the department and shall address the
2279 areas delineated in this section. The department, in adopting
2280 rules to establish minimum standards for child care facilities,
2281 shall recognize that different age groups of children may
2282 require different standards. The department may adopt different
2283 minimum standards for facilities that serve children in
2284 different age groups, including school-age children. The
2285 department shall also adopt by rule a definition for child care
2286 which distinguishes between child care programs that require
2287 child care licensure and after-school programs that do not
2288 require licensure. Notwithstanding any other provision of law to
2289 the contrary, minimum child care licensing standards shall be
2290 developed to provide for reasonable, affordable, and safe
2291 before-school and after-school care. After-school programs that
2292 otherwise meet the criteria for exclusion from licensure may
2293 provide snacks and meals through the federal Afterschool Meal
2294 Program (AMP) administered by the Department of Health in
2295 accordance with federal regulations and standards. The
2296 Department of Health shall consider meals to be provided through
2297 the AMP only if the program is actively participating in the
2298 AMP, is in good standing with the department, and the meals meet
2299 AMP requirements. Standards, at a minimum, shall allow for a
2300 credentialed director to supervise multiple before-school and
2301 after-school sites.

2302 Section 26. Paragraph (c) of subsection (1) and subsection
2303 (4) of section 445.023, Florida Statutes, are amended to read:



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2304 445.023 Program for dependent care for families with
2305 children with special needs.—

2306 (1) There is created the program for dependent care for
2307 families with children with special needs. This program is
2308 intended to provide assistance to families with children who
2309 meet the following requirements:

2310 (c) The family meets the income guidelines established
2311 under s. 1002.87 ~~411.01(6)~~, notwithstanding any financial
2312 eligibility criteria to the contrary in s. 414.075, s. 414.085,
2313 or s. 414.095.

2314 (4) In addition to school readiness program services
2315 provided under part VI of chapter 1002 ~~s. 411.01~~, dependent care
2316 may be provided for children age 13 years and older who are in
2317 need of care due to disability and where such care is needed for
2318 the parent to accept or continue employment or otherwise
2319 participate in work activities. The amount of subsidy shall be
2320 consistent with the rates for special needs child care
2321 established by the department. Dependent care needed for
2322 employment may be provided as transitional services for up to 2
2323 years after eligibility for temporary cash assistance ends.

2324 Section 27. Paragraph (a) of subsection (2) of section
2325 490.014, Florida Statutes, is amended to read:

2326 490.014 Exemptions.—

2327 (2) No person shall be required to be licensed or
2328 provisionally licensed under this chapter who:

2329 (a) Is a salaried employee of a government agency; a
2330 developmental disability facility or program; a mental health,
2331 alcohol, or drug abuse facility operating under chapter 393,
2332 chapter 394, or chapter 397; the statewide child care resource



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2333 and referral network operating under s. 1002.92 ~~411.0101~~; a
2334 child-placing or child-caring agency licensed pursuant to
2335 chapter 409; a domestic violence center certified pursuant to
2336 chapter 39; an accredited academic institution; or a research
2337 institution, if such employee is performing duties for which he
2338 or she was trained and hired solely within the confines of such
2339 agency, facility, or institution, so long as the employee is not
2340 held out to the public as a psychologist pursuant to s.
2341 490.012(1)(a).

2342 Section 28. Paragraph (a) of subsection (4) of section
2343 491.014, Florida Statutes, is amended to read:

2344 491.014 Exemptions.—

2345 (4) No person shall be required to be licensed,
2346 provisionally licensed, registered, or certified under this
2347 chapter who:

2348 (a) Is a salaried employee of a government agency; a
2349 developmental disability facility or program; a mental health,
2350 alcohol, or drug abuse facility operating under chapter 393,
2351 chapter 394, or chapter 397; the statewide child care resource
2352 and referral network operating under s. 1002.92 ~~411.0101~~; a
2353 child-placing or child-caring agency licensed pursuant to
2354 chapter 409; a domestic violence center certified pursuant to
2355 chapter 39; an accredited academic institution; or a research
2356 institution, if such employee is performing duties for which he
2357 or she was trained and hired solely within the confines of such
2358 agency, facility, or institution, so long as the employee is not
2359 held out to the public as a clinical social worker, mental
2360 health counselor, or marriage and family therapist.

2361 Section 29. Paragraph (b) of subsection (1) of section



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2362 1001.11, Florida Statutes, is amended to read:

2363 1001.11 Commissioner of Education; other duties.—

2364 (1) The Commissioner of Education must independently
2365 perform the following duties:

2366 (b) Serve as the primary source of information to the
2367 Legislature, including the President of the Senate and the
2368 Speaker of the House of Representatives, concerning the State
2369 Board of Education, ~~and~~ the K-20 education system, and early
2370 learning programs.

2371 Section 30. Sections 411.01, 411.0101, 411.01013,
2372 411.01014, 411.01015, 411.0102, 411.0103, 411.0104, 411.0105,
2373 and 411.0106, Florida Statutes, are repealed.

2374 Section 31. Within existing Senior Management Service and
2375 Selected Exempt Service positions authorized for the Office of
2376 Early Learning, a Senior Management Service position for a
2377 general counsel and a Selected Exempt Service position for an
2378 inspector general are authorized for the office.

2379 Section 32. By October 1, 2013, the Office of Early
2380 Learning, in collaboration with the Commissioner of Education,
2381 shall develop a reorganization plan for the office. The plan
2382 shall include any changes made prior to July 1, 2013; personnel,
2383 purchasing, and budgetary matters and their alignment with the
2384 duties and responsibilities of the office; a report of all
2385 outstanding contractual obligations; and recommendations for
2386 statutory and budgetary changes. The plan shall be provided to
2387 the Governor, the President of the Senate, and the Speaker of
2388 the House of Representatives.

2389 Section 33. This act shall take effect July 1, 2013.

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2391 ===== T I T L E A M E N D M E N T =====

2392 And the title is amended as follows:

2393 Delete everything before the enacting clause

2394 and insert:

2395 A bill to be entitled

2396 An act relating to early learning; creating s.
2397 1001.213, F.S.; creating the Office of Early Learning
2398 within the Department of Education's Office of
2399 Independent Education and Parental Choice; providing
2400 duties relating to the establishment and operation of
2401 the school readiness program and the Voluntary
2402 Prekindergarten Education Program; amending s.
2403 1002.51, F.S.; conforming a cross-reference; providing
2404 a definition; amending s. 1002.53, F.S.; clarifying
2405 Voluntary Prekindergarten Education Program student
2406 enrollment provisions; amending s. 1002.55, F.S.;
2407 providing additional requirements for private
2408 prekindergarten providers and instructors; providing
2409 duties of the office; amending s. 1002.57, F.S.;
2410 requiring the office to adopt standards for a
2411 prekindergarten director credential; amending s.
2412 1002.59, F.S.; requiring the office to adopt standards
2413 for training courses; amending s. 1002.61, F.S.;
2414 providing a requirement for a public school delivering
2415 the summer prekindergarten program; amending s.
2416 1002.63, F.S.; providing a requirement for a public
2417 school delivering the school-year prekindergarten
2418 program; amending s. 1002.66, F.S.; deleting obsolete
2419 provisions; amending s. 1002.67, F.S.; requiring the



2420 office to adopt performance standards for students in
2421 the Voluntary Prekindergarten Education Program and
2422 approve curricula; revising provisions relating to
2423 removal of provider eligibility, submission of an
2424 improvement plan, and required corrective actions;
2425 amending s. 1002.69, F.S.; providing duties of the
2426 office relating to statewide kindergarten screening,
2427 kindergarten readiness rates, and good cause
2428 exemptions for providers; amending s. 1002.71, F.S.;
2429 revising provisions relating to payment of funds to
2430 providers; amending s. 1002.72, F.S.; providing for
2431 the release of Voluntary Prekindergarten Education
2432 Program student records for the purpose of
2433 investigations; amending s. 1002.75, F.S.; revising
2434 duties of the office for administering the Voluntary
2435 Prekindergarten Education Program; amending s.
2436 1002.77, F.S.; revising provisions relating to the
2437 Florida Early Learning Advisory Council; amending s.
2438 1002.79, F.S.; deleting certain State Board of
2439 Education rulemaking authority for the Voluntary
2440 Prekindergarten Education Program; creating part VI of
2441 ch. 1002, F.S., consisting of ss. 1002.81-1002.96,
2442 relating to the school readiness program; providing
2443 definitions; providing powers and duties of the Office
2444 of Early Learning; providing for early learning
2445 coalitions; providing early learning coalition powers
2446 and duties for the school readiness program; providing
2447 requirements for early learning coalition plans;
2448 providing a school readiness program education



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2449 component; providing school readiness program
2450 eligibility and enrollment requirements; providing
2451 school readiness program provider standards and
2452 eligibility to deliver the school readiness program;
2453 providing school readiness program funding; providing
2454 a market rate schedule; providing for the
2455 investigation of fraud or overpayment; providing
2456 penalties; providing for child care and early
2457 childhood resource and referral; providing for school
2458 readiness program transportation services; providing
2459 for the Child Care Executive Partnership Program;
2460 providing for the Teacher Education and Compensation
2461 Helps scholarship program; providing for Early Head
2462 Start collaboration grants; transferring, renumbering,
2463 and amending s. 411.011, F.S., relating to the
2464 confidentiality of records of children in the school
2465 readiness program; revising provisions with respect to
2466 the release of records; amending s. 11.45, F.S.;
2467 conforming a cross-reference; amending s. 20.15, F.S.;
2468 conforming provisions; amending s. 196.198, F.S.;
2469 revising provisions relating to educational property
2470 tax exemption; amending s. 216.136, F.S.; conforming a
2471 cross-reference; amending s. 402.281, F.S.; revising
2472 requirements relating to receipt of a Gold Seal
2473 Quality Care designation; amending s. 402.302, F.S.;
2474 conforming a cross-reference; amending s. 402.305,
2475 F.S.; providing that certain child care after-school
2476 programs may provide meals through a federal program;
2477 amending ss. 445.023, 490.014, and 491.014, F.S.;



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2478 conforming cross-references; amending s. 1001.11,
2479 F.S.; providing a duty of the Commissioner of
2480 Education relating to early learning programs;
2481 repealing s. 411.01, F.S., relating to the school
2482 readiness program and early learning coalitions;
2483 repealing s. 411.0101, F.S., relating to child care
2484 and early childhood resource and referral; repealing
2485 s. 411.01013, F.S., relating to the prevailing market
2486 rate schedule; repealing s. 411.01014, F.S., relating
2487 to school readiness transportation services; repealing
2488 s. 411.01015, F.S., relating to consultation to child
2489 care centers and family day care homes; repealing s.
2490 411.0102, F.S., relating to the Child Care Executive
2491 Partnership Act; repealing s. 411.0103, F.S., relating
2492 to the Teacher Education and Compensation Helps
2493 scholarship program; repealing s. 411.0104, relating
2494 to Early Head Start collaboration grants; repealing s.
2495 411.0105, F.S., relating to the Early Learning
2496 Opportunities Act and Even Start Family Literacy
2497 Programs; repealing s. 411.0106, F.S., relating to
2498 infants and toddlers in state-funded education and
2499 care programs; authorizing specified positions for the
2500 Office of Early Learning; requiring the office to
2501 develop a reorganization plan for the office and
2502 submit the plan to the Governor and the Legislature;
2503 providing an effective date.