

By Senator Legg

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1 A bill to be entitled
2 An act relating to school readiness programs; amending
3 s. 411.01, F.S.; revising legislative intent related
4 to operation of school readiness programs; defining
5 terms for purposes of the School Readiness Act;
6 revising the duties of the Office of Early Learning
7 for administration of school readiness programs;
8 providing for the preassessment and postassessment of
9 children enrolled in school readiness programs;
10 requiring early learning coalitions to annually
11 contract with school readiness providers using a
12 standardized statewide contract; authorizing the
13 Office of Early Learning to adopt rules; revising the
14 minimum number of children that each early learning
15 coalition must serve; revising provisions related to
16 the merger of coalitions; revising requirements for
17 compliance by school readiness providers with state
18 licensing requirements; revising provisions related to
19 school readiness plans adopted by early learning
20 coalitions; deleting provisions for the establishment
21 of payment rates and sliding fee scales by early
22 learning coalitions; revising procurement requirements
23 and requirements for the expenditure of funds by early
24 learning coalitions; revising the eligibility criteria
25 for the enrollment of children in the school readiness
26 program and the priorities by which children are
27 enrolled; providing procedures and notice requirements
28 for the disenrollment of children; providing reporting
29 requirements for children who are absent from the

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30 program; providing for the allocation of school
31 readiness funds and deleting provisions for the
32 establishment of an allocation formula by the Office
33 of Early Learning; limiting expenditures for
34 administrative costs, quality activities, and
35 nondirect services; providing for the payment of
36 school readiness providers according to calculations
37 of payment rates and sliding fee scales as provided in
38 the General Appropriations Act; authorizing the Office
39 of Early Learning to modify payment rates in certain
40 geographic areas under certain circumstances; deleting
41 a provision related to the applicability of provisions
42 that conflict with federal requirements; defining the
43 term "fraud" for purposes of the school readiness
44 program; providing for investigations of fraud or
45 overpayment in the school readiness program; providing
46 for the repayment of identified overpayments; limiting
47 the participation of school readiness providers and
48 parents in the program until repayment is made in
49 full; providing penalties for acts of fraud;
50 conforming provisions; conforming cross-references;
51 creating s. 411.013, F.S.; creating the School
52 Readiness Allocation Conference; providing for
53 conference principals; requiring the Office of Early
54 Learning to submit recommendations to the conference
55 for an allocation formula for school readiness program
56 funds; providing for review of the formula and
57 agreement of the conference principals on conventions
58 and calculation methods for the formula; requiring the

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59 Office of Early Learning to submit recommendations to
60 the conference for establishing provider payment rates
61 and parent copayments for a specified period;
62 providing for the phase-in of the allocation formula
63 during a specified period; amending ss. 216.136 and
64 411.0101, F.S.; conforming cross-references; amending
65 s. 411.01013, F.S.; revising provisions for
66 calculation of the prevailing market rate schedule;
67 requiring school readiness providers to annually
68 submit their market rates by a specified date;
69 amending ss. 411.0106 and 445.023, F.S.; conforming
70 cross-references; prohibiting the disenrollment of
71 children enrolled in the school readiness program
72 before the effective date of this act under certain
73 circumstances; providing for applicability; providing
74 effective dates.

75
76 Be It Enacted by the Legislature of the State of Florida:

77
78 Section 1. Section 411.01, Florida Statutes, is amended to
79 read:

80 411.01 School readiness programs; early learning
81 coalitions.—

82 (1) SHORT TITLE.—This section may be cited as the “School
83 Readiness Act.”

84 (2) LEGISLATIVE INTENT.—

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

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88 It is the intent of the Legislature that the programs be
89 developmentally appropriate, research-based, involve the parent
90 as a child's first teacher, serve as preventive measures for
91 children at risk of future school failure, enhance the
92 educational readiness of eligible children, and support family
93 education. Each school readiness program shall provide the
94 elements necessary to prepare at-risk children for school,
95 including health screening and referral and an appropriate
96 educational program.

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

101 (c) It is the intent of the Legislature that school
102 readiness programs not exist as isolated programs, but build
103 upon existing services and work in cooperation with other
104 programs for young children, and that school readiness programs
105 be coordinated to achieve full effectiveness.

106 (d) It is the intent of the Legislature that the
107 administrative staff for school readiness programs be kept to
108 the minimum necessary to administer the duties of the Office of
109 Early Learning and early learning coalitions. The Office of
110 Early Learning shall adopt system support services at the state
111 level to build a comprehensive early learning system. Each early
112 learning coalition shall implement and maintain direct
113 enhancement services at the local level, as approved in its
114 school readiness plan by the Office of Early Learning, and
115 ensure access to such services in all 67 counties.

116 (e) It is the intent of the Legislature that the school

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117 readiness program coordinate and operate in conjunction with the
118 district school systems. However, it is also the intent of the
119 Legislature that the school readiness program not be construed
120 as part of the system of free public schools but rather as a
121 separate program for children under the age of kindergarten
122 eligibility, funded separately from the system of free public
123 schools, utilizing a mandatory sliding fee scale, and providing
124 an integrated and seamless system of school readiness services
125 for the state's birth-to-kindergarten population.

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

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

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

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

137 1. A child from a family under investigation by the
138 Department of Children and Families or a designated sheriff's
139 office for child abuse, neglect, abandonment, or exploitation.

140 2. A child who is in a diversion program provided by the
141 Department of Children and Families or its contracted provider
142 and who is from a family that is actively participating and
143 complying in department-prescribed activities, including
144 education, health services, or work.

145 3. A child from a family that is under supervision by the

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146 Department of Children and Families or a contracted service
147 provider for abuse, neglect, abandonment, or exploitation.

148 4. A child placed in court-ordered, long-term custody or
149 under the guardianship of a relative or nonrelative after
150 termination of supervision by the Department of Children and
151 Families or its contracted provider.

152 (c) "Authorized hours of care" means the hours of care that
153 are necessary to provide protection, maintain employment, or
154 complete work activities or eligible educational activities,
155 including reasonable travel time.

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

160 (e) "Economically disadvantaged" means having a family
161 income that does not exceed 150 percent of the federal poverty
162 level. The term includes children in a working migratory family.

163 (f) "Family income" means the combined gross income,
164 whether earned or unearned, that is derived from any source by
165 family or household members who are 18 years of age or older and
166 are currently residing together in a dwelling unit. The term
167 does not include income earned by a currently enrolled high
168 school student who, since attaining the age of 18 years, has not
169 terminated school enrollment or received a high school diploma,
170 high school equivalency diploma, special diploma, or certificate
171 of high school completion. The term also does not include
172 Supplemental Nutrition Assistance Program benefits or federal
173 housing assistance payments issued directly to a landlord or the
174 associated utilities expenses.

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175 (g) "Family or household members" means spouses, former
176 spouses, persons related by blood or marriage, persons who are
177 parents of a child in common regardless of whether they have
178 been married, and other persons who are currently residing
179 together in a dwelling unit.

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

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

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

189 (k) "Market rate" means the price that a child care or
190 early childhood education provider charges for full-time or
191 part-time daily, weekly, or monthly child care or early
192 childhood education services.

193 (l) "Office" means the Office of Early Learning of the
194 Department of Education.

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

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

200 (o) "Prevailing market rate" means the biennially
201 determined statewide median of the market rate for child care
202 and early childhood education services.

203 (p) "Unearned income" means income other than earned

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204 income. The term includes, but is not limited to:
 205 1. Documented alimony and child support received.
 206 2. Social security benefits.
 207 3. Supplemental Security Income benefits.
 208 4. Workers' compensation benefits.
 209 5. Unemployment compensation benefits.
 210 6. Veterans' benefits.
 211 7. Retirement benefits.
 212 8. Temporary cash assistance under chapter 414.
 213 9. Military housing assistance under the federal Family
 214 Subsistence Supplemental Allowance program.
 215 (q) "Working family" means:
 216 1. A single-parent family in which the parent with whom the
 217 child resides is employed or engaged in eligible education
 218 activities for at least 20 hours per week;
 219 2. A two-parent family in which both parents with whom the
 220 child resides are each employed or engaged in eligible education
 221 activities for at least 20 hours per week; or
 222 3. A family in which the parents, as prescribed by rule of
 223 the Office of Early Learning, are exempt from work requirements
 224 due to age or a disability as determined and documented by a
 225 physician licensed under chapter 458 or chapter 459.
 226 (4) ~~(3)~~ PARENTAL PARTICIPATION IN SCHOOL READINESS
 227 PROGRAMS.—This section does not:
 228 (a) Relieve parents and guardians of their own obligations
 229 to prepare their children for school; or
 230 (b) Create any obligation to provide publicly funded school
 231 readiness programs or services beyond those authorized by the
 232 Legislature.

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233 (5)~~(4)~~ OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF
234 EDUCATION.—

235 (a) The Office of Early Learning shall administer school
236 readiness programs at the state level and shall coordinate with
237 the early learning coalitions in providing school readiness
238 services ~~on a full-day, full-year, full-choice basis to the~~
239 ~~extent possible in order~~ to enable parents to work and be
240 financially self-sufficient.

241 (b) The Office of Early Learning shall:

242 1. Prioritize services for eligible children from birth
243 through kindergarten.

244 2.1. Coordinate the birth-to-kindergarten services for
245 children who are eligible under subsection (7) ~~(6)~~ and the
246 programmatic, administrative, and fiscal standards under this
247 chapter section for all ~~public~~ providers of school readiness
248 programs.

249 3.2. Focus on improving the educational quality of all
250 program providers participating in publicly funded school
251 readiness programs.

252 4.3. Provide comprehensive services to ~~the state's birth-~~
253 ~~to-5 population, which shall~~ ensure the preservation of parental
254 choice by permitting parents to choose from a variety of child
255 care categories, including: center-based child care; group home
256 child care; family child care; and in-home child care. Care and
257 curriculum by a sectarian provider may not be limited or
258 excluded in any of these categories.

259 (c) The Governor shall designate the Office of Early
260 Learning as the lead agency for administration of the federal
261 Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and

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262 the office shall comply with the lead agency responsibilities
263 under federal law.

264 (d) The Office of Early Learning shall:

265 1. Be responsible for the prudent use of all public and
266 private funds in accordance with all legal and contractual
267 requirements.

268 2. Adopt a uniform chart of accounts for budgeting and
269 financial reporting purposes to provide standardized definitions
270 for expenditures and reporting which are consistent with
271 subsection (10) for each of the following categories of
272 expenditures:

273 a. Direct services to children.

274 b. Administrative costs.

275 c. Quality activities.

276 d. Nondirect services.

277 ~~3.2.~~ Provide final approval and every 2 years review early
278 learning coalitions and school readiness plans.

279 ~~4.3.~~ Establish a unified approach to the state's efforts
280 toward enhancement of school readiness. In support of this
281 effort, the Office of Early Learning shall adopt specific system
282 support services that address the state's school readiness
283 programs, and each. ~~An~~ early learning coalition shall implement
284 ~~amend its school readiness plan to conform to the specific~~
285 system support services in its school readiness plan as provided
286 in subparagraph (6) (c) 2. adopted by the Office of Early
287 ~~Learning. System support services shall include, but are not~~
288 ~~limited to:~~

289 ~~a. Child care resource and referral services;~~

290 ~~b. Warm-Line services;~~

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- 291 e. ~~Eligibility determinations;~~
292 d. ~~Child performance standards;~~
293 e. ~~Child screening and assessment;~~
294 f. ~~Developmentally appropriate curricula;~~
295 g. ~~Health and safety requirements;~~
296 h. ~~Statewide data system requirements; and~~
297 i. ~~Rating and improvement systems.~~

298 5.4. Safeguard the effective use of federal, state, local,
299 and private resources to achieve the highest possible level of
300 school readiness for the children in this state.

301 ~~5. Adopt a rule establishing criteria for the expenditure~~
302 ~~of funds designated for the purpose of funding activities to~~
303 ~~improve the quality of child care within the state in accordance~~
304 ~~with s. 658G of the federal Child Care and Development Block~~
305 ~~Grant Act.~~

306 6. Provide technical assistance to early learning
307 coalitions in a manner determined by the Office of Early
308 Learning based upon information obtained by the office from
309 various sources, including, but not limited to, public input,
310 government reports, private interest group reports, office
311 monitoring visits, and coalition requests for service.

312 7. In cooperation with the early learning coalitions,
313 coordinate with the Child Care Services Program Office of the
314 Department of Children and Families ~~Family Services~~ to minimize
315 duplicating interagency activities, health and safety
316 monitoring, and acquiring and composing data pertaining to child
317 care training and credentialing.

318 8. Develop and adopt performance standards and outcome
319 measures for school readiness programs. The performance

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320 standards must address the age-appropriate progress of children
321 in the development of school readiness skills. The performance
322 standards for children from birth to 5 years of age in school
323 readiness programs must be integrated with the performance
324 standards adopted by the Department of Education for children in
325 the Voluntary Prekindergarten Education Program under s.
326 1002.67.

327 9. Adopt a list of approved curricula that meet the
328 performance standards for school readiness programs and
329 establish a process for the review and approval of a provider's
330 curriculum that meets the performance standards.

331 10. By July 1, 2014, identify and adopt a preassessment and
332 postassessment aligned with the performance standards adopted
333 pursuant to subparagraph 8. Upon adoption, the preassessments
334 and postassessments shall immediately be implemented and used by
335 school readiness providers. The Office of Early Learning shall
336 collect the results of the preassessments and postassessments
337 statewide to evaluate the effectiveness of the school readiness
338 programs. At a minimum, a preassessment shall be administered to
339 each child who participates in a school readiness program within
340 the first 60 days after enrollment. By May 30 of each year, a
341 postassessment shall be administered to each child who
342 participates in a provider's program for at least the previous 6
343 months.

344 11.9. ~~Adopt a statewide provider standard contract, and~~
345 prescribe a standardized format for such contract, which that
346 must be used by the coalitions to annually contract when
347 ~~contracting~~ with each school readiness provider providers. A
348 coalition may not omit, supplement, or amend any provision of

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349 the statewide provider contract. In addition, a coalition may
350 not insert or append attachments, addenda, or exhibits to the
351 statewide provider contract. The office shall publish a copy of
352 the statewide provider contract on its Internet website and
353 provide a copy of the contract to each coalition.

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

357 (e) The Office of Early Learning may adopt rules under ss.
358 120.536(1) and 120.54 to administer the provisions of law
359 conferring duties upon the office, including, but not limited
360 to, rules governing the administration of system support
361 services of school readiness programs, the adoption of a uniform
362 chart of accounts, the adoption of a statewide provider contract
363 and methodology for monitoring compliance with the contract, the
364 adoption of a list of approved curricula, the collection of
365 data, the approval of early learning coalitions and school
366 readiness plans, the provision of a method whereby an early
367 learning coalition may serve two or more counties, the award of
368 incentives to early learning coalitions, child performance
369 standards, child outcome measures, monitoring of the quality
370 activities as described in subparagraph (10)(d)2., the issuance
371 of waivers, and the implementation of the state's Child Care and
372 Development Fund Plan as approved by the federal Administration
373 for Children and Families.

374 (f) The Office of Early Learning shall have all powers
375 necessary to administer this section, including, but not limited
376 to, the power to receive and accept grants, loans, or advances
377 of funds from any public or private agency and to receive and

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378 accept from any source contributions of money, property, labor,
379 or any other thing of value, to be held, used, and applied for
380 purposes of this section.

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

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

393 (i) The Office of Early Learning shall coordinate the
394 efforts toward school readiness in this state and provide
395 independent policy analyses, data analyses, and recommendations
396 to the Governor, the State Board of Education, and the
397 Legislature.

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

- 403 1. Compliance with rules, limitations, and routines.
- 404 2. Ability to perform tasks.
- 405 3. Interactions with adults.
- 406 4. Interactions with peers.

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- 407 5. Ability to cope with challenges.
408 6. Self-help skills.
409 7. Ability to express the child's needs.
410 8. Verbal communication skills.
411 9. Problem-solving skills.
412 10. Following of verbal directions.
413 11. Demonstration of curiosity, persistence, and
414 exploratory behavior.
415 12. Interest in books and other printed materials.
416 13. Paying attention to stories.
417 14. Participation in art and music activities.
418 15. Ability to identify colors, geometric shapes, letters
419 of the alphabet, numbers, and spatial and temporal
420 relationships.

421
422 Within 30 days after enrollment in the school readiness program,
423 the early learning coalition must ensure that the program
424 provider obtains information regarding the child's
425 immunizations, physical development, and other health
426 requirements as necessary, including appropriate vision and
427 hearing screening and examinations. ~~For a program provider~~
428 ~~licensed by the Department of Children and Family Services, the~~
429 ~~provider's compliance with s. 402.305(9), as verified pursuant~~
430 ~~to s. 402.311, shall satisfy this requirement.~~

431 (k) The Office of Early Learning shall conduct studies and
432 planning activities related to the overall improvement and
433 effectiveness of the outcome measures adopted by the office for
434 school readiness programs and the specific system support
435 services to address the state's school readiness programs

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436 adopted by the Office of Early Learning in accordance with
437 subparagraph (d)4. ~~(d)3.~~

438 (l) The Office of Early Learning shall monitor and evaluate
439 the performance of each early learning coalition in
440 administering the school readiness program, implementing the
441 coalition's school readiness plan, and administering the
442 Voluntary Prekindergarten Education Program. These monitoring
443 and performance evaluations must include, at a minimum, onsite
444 monitoring of each coalition's finances, management, operations,
445 and programs.

446 (m) The Office of Early Learning shall submit an annual
447 report of its activities conducted under this section to the
448 Governor, the President of the Senate, the Speaker of the House
449 of Representatives, and the minority leaders of both houses of
450 the Legislature. In addition, the Office of Early Learning's
451 reports and recommendations shall be made available to the
452 Florida Early Learning Advisory Council and other appropriate
453 state agencies and entities. The annual report must provide an
454 analysis of school readiness activities across the state,
455 including the number of children who were served in the
456 programs.

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

461 (6)~~(5)~~ CREATION OF EARLY LEARNING COALITIONS.—

462 (a) *Early learning coalitions.*—

463 1. Each early learning coalition shall maintain direct
464 enhancement services at the local level and ensure access to

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465 such services in all 67 counties.

466 2. The Office of Early Learning shall establish the minimum
467 number of children to be served by each early learning coalition
468 through the coalition's school readiness program. The Office of
469 Early Learning may only approve school readiness plans in
470 accordance with this minimum number. The minimum number must be
471 uniform for every early learning coalition and must result in
472 the establishment of:

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

475 b. Coalitions that are ~~Require~~ each of adequate size and
476 operational scale to comply with the expenditure limits in
477 paragraph (10) (d) ~~coalition to serve at least 2,000 children~~
478 ~~based upon the average number of all children served per month~~
479 ~~through the coalition's school readiness program during the~~
480 ~~previous 12 months.~~

481 3. If an early learning coalition is not able to comply
482 with the expenditure limits in paragraph (10) (d) ~~would serve~~
483 ~~fewer children than the minimum number established under~~
484 ~~subparagraph 2.~~, the coalition must merge with another
485 coalition, or two or more coalitions may agree to change the
486 counties that comprise each coalition, such that each resulting
487 county to form a multicounty coalition is of adequate size and
488 operational scale to comply with the expenditure limits. The
489 Office of Early Learning shall adopt procedures for merging
490 early learning coalitions, including procedures for the
491 consolidation of merging coalitions, and for the early
492 termination of the terms of coalition members which are
493 necessary to accomplish the mergers. However, the office may ~~of~~

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494 ~~Early Learning shall grant a waiver from this subparagraph for~~
495 ~~to an early learning coalition that is unable to comply with the~~
496 ~~expenditure limits in paragraph (10)(d) during the 2013-2014~~
497 ~~fiscal year, the 2014-2015 fiscal year, or both fiscal years, if~~
498 ~~the coalition submits to the office adequate documentation~~
499 ~~describing and justifying the reasons that the coalition was~~
500 ~~unable to comply with the expenditure limits to serve fewer~~
501 ~~children than the minimum number established under subparagraph~~
502 ~~2., if:~~

503 ~~a. The Office of Early Learning has determined during the~~
504 ~~most recent review of the coalition's school readiness plan, or~~
505 ~~through monitoring and performance evaluations conducted under~~
506 ~~paragraph (4)(1), that the coalition has substantially~~
507 ~~implemented its plan;~~

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

511 ~~c. The coalition demonstrates to the Office of Early~~
512 ~~Learning that the coalition can perform its duties in accordance~~
513 ~~with law.~~

514
515 ~~If an early learning coalition fails or refuses to merge as~~
516 ~~required by this subparagraph, the Office of Early Learning may~~
517 ~~dissolve the coalition and temporarily contract with a qualified~~
518 ~~entity to continue school readiness and prekindergarten services~~
519 ~~in the coalition's county or multicounty region until the office~~
520 ~~reestablishes the coalition and a new school readiness plan is~~
521 ~~approved by the office.~~

522 ~~4. Each early learning coalition shall be composed of at~~

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523 least 15 members but not more than 30 members. The Office of
524 Early Learning shall adopt standards establishing within this
525 range the minimum and maximum number of members that may be
526 appointed to an early learning coalition and procedures for
527 identifying which members have voting privileges under
528 subparagraph 6. These standards must include variations for a
529 coalition serving a multicounty region. Each early learning
530 coalition must comply with these standards.

531 5. The Governor shall appoint the chair and two other
532 members of each early learning coalition, who must each meet the
533 same qualifications as private sector business members appointed
534 by the coalition under subparagraph 7.

535 6. Each early learning coalition must include the following
536 member positions; however, in a multicounty coalition, each ex
537 officio member position may be filled by multiple nonvoting
538 members but no more than one voting member shall be seated per
539 member position. If an early learning coalition has more than
540 one member representing the same entity, only one of such
541 members may serve as a voting member:

542 a. A Department of Children and Families ~~Family Services~~
543 circuit administrator or his or her designee who is authorized
544 to make decisions on behalf of the department.

545 b. A district superintendent of schools or his or her
546 designee who is authorized to make decisions on behalf of the
547 district.

548 c. A regional workforce board executive director or his or
549 her designee.

550 d. A county health department director or his or her
551 designee.

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- 552 e. A children's services council or juvenile welfare board
553 chair or executive director, if applicable.
- 554 f. An agency head of a local licensing agency as defined in
555 s. 402.302, where applicable.
- 556 g. A president of a Florida ~~community~~ College System
557 institution or his or her designee.
- 558 h. One member appointed by a board of county commissioners
559 or the governing board of a municipality.
- 560 i. A central agency administrator, where applicable.
- 561 j. A Head Start director.
- 562 k. A representative of private for-profit child care
563 providers, including private for-profit family day care homes.
- 564 l. A representative of faith-based child care providers.
- 565 m. A representative of programs for children with
566 disabilities under the federal Individuals with Disabilities
567 Education Act.
- 568 7. Including the members appointed by the Governor under
569 subparagraph 5., more than one-third of the members of each
570 early learning coalition must be private sector business members
571 who do not have, and none of whose relatives as defined in s.
572 112.3143 has, a substantial financial interest in the design or
573 delivery of the Voluntary Prekindergarten Education Program
574 created under part V of chapter 1002 or the coalition's school
575 readiness program. To meet this requirement an early learning
576 coalition must appoint additional members. The Office of Early
577 Learning shall establish criteria for appointing private sector
578 business members. These criteria must include standards for
579 determining whether a member or relative has a substantial
580 financial interest in the design or delivery of the Voluntary

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581 Prekindergarten Education Program or the coalition's school
582 readiness program.

583 8. A majority of the voting membership of an early learning
584 coalition constitutes a quorum required to conduct the business
585 of the coalition. An early learning coalition board may use any
586 method of telecommunications to conduct meetings, including
587 establishing a quorum through telecommunications, provided that
588 the public is given proper notice of a telecommunications
589 meeting and reasonable access to observe and, when appropriate,
590 participate.

591 9. A voting member of an early learning coalition may not
592 appoint a designee to act in his or her place, except as
593 otherwise provided in this paragraph. A voting member may send a
594 representative to coalition meetings, but that representative
595 does not have voting privileges. When a district administrator
596 for the Department of Children and Families ~~Family Services~~
597 appoints a designee to an early learning coalition, the designee
598 is the voting member of the coalition, and any individual
599 attending in the designee's place, including the district
600 administrator, does not have voting privileges.

601 10. Each member of an early learning coalition is subject
602 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
603 112.3143(3)(a), each voting member is a local public officer who
604 must abstain from voting when a voting conflict exists.

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

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

609 13. Each early learning coalition shall establish terms for

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610 all appointed members of the coalition. The terms must be
611 staggered and must be a uniform length that does not exceed 4
612 years per term. Coalition chairs shall be appointed for 4 years
613 in conjunction with their membership on the Early Learning
614 Advisory Council under s. 20.052. Appointed members may serve a
615 maximum of two consecutive terms. When a vacancy occurs in an
616 appointed position, the coalition must advertise the vacancy.

617 (b) *Limitation.*—Except as provided by law, the early
618 learning coalitions may not impose requirements on a child care
619 or early childhood education provider that does not deliver
620 services under the school readiness programs or receive state,
621 federal, required maintenance of effort, or matching funds under
622 this section.

623 (c) *Program expectations.*—

624 1. The school readiness program must meet the following
625 expectations:

626 a. The program must, at a minimum, enhance the age-
627 appropriate progress of each child in attaining the performance
628 standards and outcome measures adopted by the Office of Early
629 Learning.

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

633 c. The program must provide a coordinated professional
634 development system that supports the achievement and maintenance
635 of core competencies by school readiness instructors in helping
636 children attain the performance standards and outcome measures
637 adopted by the Office of Early Learning.

638 d. There must be expanded access to community services and

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639 resources for families to help achieve economic self-
640 sufficiency.

641 e. There must be a single point of entry and unified
642 waiting list. As used in this sub-subparagraph, the term "single
643 point of entry" means an integrated information system that
644 allows a parent to enroll his or her child in the school
645 readiness program at various locations throughout a county, that
646 may allow a parent to enroll his or her child by telephone or
647 through an Internet website, and that uses a unified waiting
648 list to track eligible children waiting for enrollment in the
649 school readiness program. The Office of Early Learning shall
650 establish through technology a single statewide information
651 system that each coalition must use for the purposes of managing
652 the single point of entry, tracking children's progress,
653 coordinating services among stakeholders, determining
654 eligibility, tracking child attendance, and streamlining
655 administrative processes for providers and early learning
656 coalitions.

657 ~~f. The Office of Early Learning must consider the access of~~
658 ~~eligible children to the school readiness program, as~~
659 ~~demonstrated in part by waiting lists, before approving a~~
660 ~~proposed increase in payment rates submitted by an early~~
661 ~~learning coalition. In addition, early learning coalitions shall~~
662 ~~use school readiness funds made available due to enrollment~~
663 ~~shifts from school readiness programs to the Voluntary~~
664 ~~Prekindergarten Education Program for increasing the number of~~
665 ~~children served in school readiness programs before increasing~~
666 ~~payment rates.~~

667 f.g. The program must meet all state licensing guidelines,

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668 where applicable. For a child care facility, large family child
669 care home, or licensed family day care home, compliance with s.
670 402.305, s. 402.313, or s. 402.3131 satisfies this requirement.
671 For a public or nonpublic school, compliance with s. 402.3025 or
672 s. 1003.22 satisfies this requirement. A faith-based child care
673 provider exempt from licensure under s. 402.316 must meet or
674 exceed the requirements of s. 402.305, except for square footage
675 per child, as determined by an onsite inspection by an early
676 learning coalition. An informal child care provider or
677 registered family day care home must meet or exceed the
678 requirements of s. 402.313. A before-school or after-school
679 program must meet or exceed the requirements of s. 402.305(5),
680 (6), and (7).

681 ~~g.h.~~ The program must ensure that minimum standards for
682 child discipline practices are age-appropriate. Such standards
683 must provide that children not be subjected to discipline that
684 is severe, humiliating, or frightening or discipline that is
685 associated with food, rest, or toileting. Spanking or any other
686 form of physical punishment is prohibited.

687 2. Each early learning coalition must implement a
688 comprehensive program of school readiness services in accordance
689 with this chapter and the rules adopted by the office which
690 enhance the cognitive, social, and physical development of
691 children to achieve the performance standards and outcome
692 measures. At a minimum, these programs must contain the
693 following system support service elements:

694 a. Developmentally appropriate curriculum designed to
695 enhance the age-appropriate progress of children in attaining
696 the performance standards adopted by the Office of Early

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697 Learning under subparagraph (5) (d) 8. ~~(4) (d) 8.~~

698 b. A character development program to develop basic values.

699 c. An age-appropriate screening of each child's development
700 and an appropriate referral process for children with identified
701 delays.

702 d. An age-appropriate preassessment and postassessment of
703 children as provided in subparagraph (5) (d) 10. ~~assessment~~
704 ~~administered to children when they enter a program and an age-~~
705 ~~appropriate assessment administered to children when they leave~~
706 ~~the program.~~

707 e. An appropriate staff-to-children ratio, pursuant to s.
708 402.305(4) or s. 402.302(8) or (11), as applicable, and as
709 verified pursuant to s. 402.311.

710 f. A healthy and safe environment pursuant to s. 402.305
711 ~~401.305~~(5), (6), and (7), as applicable, and as verified
712 pursuant to s. 402.311.

713 g. A resource and referral network established under s.
714 411.0101 to assist parents in making an informed choice and a
715 regional Warm-Line under s. 411.01015.

716

717 The Office of Early Learning and early learning coalitions shall
718 coordinate with the Child Care Services Program Office of the
719 Department of Children and Families ~~Family Services~~ to minimize
720 duplicating interagency activities pertaining to acquiring and
721 composing data for child care training and credentialing.

722 (d) *Implementation.*—

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

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726 2. Each early learning coalition shall coordinate with one
727 another to implement a comprehensive program of school readiness
728 services which enhances the cognitive, social, physical, and
729 moral character of the children to achieve the performance
730 standards and outcome measures and which helps families achieve
731 economic self-sufficiency. Such program must contain, at a
732 minimum, the following elements:

733 a. Implement the school readiness program to meet the
734 requirements of this section and the system support services,
735 performance standards, and outcome measures adopted by the
736 Office of Early Learning.

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

743 c. Ensure that the coalition has solicited and considered
744 comments regarding the proposed school readiness plan from the
745 local community.

746
747 Before implementing the school readiness program, the early
748 learning coalition must submit the plan to the office for
749 approval. The office may approve the plan, reject the plan, or
750 approve the plan with conditions. The office shall review school
751 readiness plans at least every 2 years.

752 3. If the Office of Early Learning determines during the
753 review of school readiness plans, or through monitoring and
754 performance evaluations conducted under paragraph (5) (1) ~~(4) (1)~~,

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755 that an early learning coalition has not substantially
756 implemented its plan, has not substantially met the performance
757 standards and outcome measures adopted by the office, or has not
758 effectively administered the school readiness program or
759 Voluntary Prekindergarten Education Program, the office may
760 dissolve the coalition and temporarily contract with a qualified
761 entity to continue school readiness and prekindergarten services
762 in the coalition's county or multicounty region until the office
763 reestablishes the coalition and a new school readiness plan is
764 approved in accordance with the rules adopted by the office.

765 4. The Office of Early Learning shall adopt rules
766 establishing criteria for the approval of school readiness
767 plans. The criteria must be consistent with the system support
768 services, performance standards, and outcome measures adopted by
769 the office and must require each approved plan to include the
770 following minimum standards for the school readiness program:

771 a. A community plan that addresses the needs of all
772 children and providers within the coalition's county or
773 multicounty region.

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

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

780 ~~d. Specific eligibility priorities for children in~~
781 ~~accordance with subsection (6).~~

782 ~~c.e.~~ Performance standards and outcome measures adopted by
783 the office.

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784 ~~f. Payment rates adopted by the early learning coalitions~~
785 ~~and approved by the office. Payment rates may not have the~~
786 ~~effect of limiting parental choice or creating standards or~~
787 ~~levels of services that have not been expressly established by~~
788 ~~the Legislature, unless the creation of such standards or levels~~
789 ~~of service, which must be uniform throughout the state, has been~~
790 ~~approved by the Federal Government and result in the state being~~
791 ~~eligible to receive additional federal funds available for early~~
792 ~~learning on a statewide basis.~~

793 ~~g. Direct enhancement services for families and children.~~
794 ~~System support and direct enhancement services shall be in~~
795 ~~addition to payments for the placement of children in school~~
796 ~~readiness programs. Direct enhancement services for families may~~
797 ~~include parent training and involvement activities and~~
798 ~~strategies to meet the needs of unique populations and local~~
799 ~~eligibility priorities. Enhancement services for children may~~
800 ~~include provider supports and professional development approved~~
801 ~~in the plan by the Office of Early Learning.~~

802 ~~d.h.~~ The business organization of the early learning
803 coalition, which must include the coalition's articles of
804 incorporation and bylaws if the coalition is organized as a
805 corporation. If the coalition is not organized as a corporation
806 or other business entity, the plan must include the contract
807 with a fiscal agent. An early learning coalition may contract
808 with other coalitions to achieve efficiency in multicounty
809 services, and these contracts may be part of the coalition's
810 school readiness plan.

811 ~~i. The implementation of locally developed quality programs~~
812 ~~in accordance with the requirements adopted by the office under~~

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813 ~~subparagraph (4) (d) 5.~~

814

815 The Office of Early Learning may request the Governor to apply
816 for a waiver to allow the coalition to administer the Head Start
817 Program to accomplish the purposes of the school readiness
818 program.

819 5. Persons with an early childhood teaching certificate may
820 provide support and supervision to other staff in the school
821 readiness program.

822 6. An early learning coalition may not implement its school
823 readiness plan until it submits the plan to, and receives
824 approval from, the Office of Early Learning. Once the plan is
825 approved, the plan and the services provided under the plan
826 shall be controlled by the early learning coalition. The plan
827 shall be reviewed and revised as necessary, but at least
828 biennially. An early learning coalition may not implement the
829 revisions until the coalition submits the revised plan to, and
830 receives approval from, the office. If the office rejects a
831 revised plan, the coalition must continue to operate under its
832 prior approved plan.

833 7. Section 125.901(2)(a)3. does not apply to school
834 readiness programs. The Office of Early Learning may apply to
835 the Governor and Cabinet for a waiver of, and the Governor and
836 Cabinet may waive, any of the provisions of ss. 411.223 and
837 1003.54, if the waiver is necessary for implementation of school
838 readiness programs.

839 8. Two or more early learning coalitions may join for
840 purposes of planning and implementing a school readiness
841 program.

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842 (e) *Requests for proposals; ~~payment schedule.~~*—

843 ~~1.~~ Each early learning coalition must comply with federal
844 ~~the procurement requirements and the expenditure requirements of~~
845 ~~procedures adopted by the Office of Early Learning, including,~~
846 ~~but not limited to, applying the procurement and expenditure~~
847 ~~procedures required by federal and state law and state rules for~~
848 ~~the expenditure of federal funds.~~

849 ~~2.~~ Each early learning coalition shall adopt a payment
850 ~~schedule that encompasses all programs funded under this~~
851 ~~section. The payment schedule must take into consideration the~~
852 ~~prevailing market rate, must include the projected number of~~
853 ~~children to be served, and must be submitted for approval by the~~
854 ~~Office of Early Learning. Informal child care arrangements shall~~
855 ~~be reimbursed at not more than 50 percent of the rate adopted~~
856 ~~for a family day care home.~~

857 (f) *Evaluation and annual report.*—Each early learning
858 coalition shall conduct an evaluation of its implementation of
859 the school readiness program, including system support services,
860 performance standards, and outcome measures, and shall provide
861 an annual report and fiscal statement to the Office of Early
862 Learning. This report must also include an evaluation of the
863 effectiveness of its direct enhancement services and conform to
864 the content and format specifications adopted by the Office of
865 Early Learning. The Office of Early Learning must include an
866 analysis of the early learning coalitions' reports in the
867 office's annual report.

868 (7) (6) PROGRAM ELIGIBILITY AND ENROLLMENT.—~~The school~~
869 ~~readiness program is established for children from birth to the~~
870 ~~beginning of the school year for which a child is eligible for~~

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871 ~~admission to kindergarten in a public school under s.~~
872 ~~1003.21(1)(a)2. or who are eligible for any federal subsidized~~
873 ~~child care program.~~

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

876 1.(a) Priority shall be given first to a child younger than
877 13 years of age from a working family that includes in which
878 ~~there is~~ an adult receiving temporary cash assistance who is
879 subject to federal work requirements under chapter 414.

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

888 3. Priority shall be given next to:

889 a. A child younger than 6 years of age from a working
890 family, including a working migratory family, that is
891 economically disadvantaged. However, the child ceases to be
892 eligible if his or her family income exceeds 200 percent of the
893 federal poverty level; or

894 b. A child who has special needs, is younger than 6 years
895 of age, has been determined eligible as a student having
896 disabilities, and has a current family support plan or
897 individual education plan.

898 4. Priority shall be given next to an at-risk child who is
899 at least 9 years of age, but younger than 13 years of age. An

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900 at-risk child whose sibling is enrolled in the school readiness
901 program within an eligibility priority category listed in
902 subparagraphs 1.-3. shall be given priority over other children
903 who are eligible under this subparagraph.

904 5. Priority shall be given next to a child who is at least
905 6 years of age, but younger than 13 years of age, and who is a
906 sibling of a child enrolled in the school readiness program
907 within the eligibility priority category listed in sub-
908 subparagraph 3.a.

909 6. Notwithstanding subparagraphs 1.-5., priority shall be
910 given last to a child who otherwise meets one of the eligibility
911 criteria in subparagraphs 1.-5. but who is also enrolled
912 concurrently in the federal Head Start program and the Voluntary
913 Prekindergarten Education Program.

914 (b) A school readiness provider may be paid only for
915 authorized hours of care provided for a child in the school
916 readiness program. A child enrolled in the Voluntary
917 Prekindergarten Education Program may receive care from the
918 school readiness program if the child is eligible according to
919 the eligibility priorities in paragraph (a).

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

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

928 (e) A child whose eligibility priority category requires

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929 the child to be from a working family ceases to be eligible for
930 the school readiness program if a parent with whom the child
931 resides does not reestablish employment within 30 days after
932 becoming unemployed.

933 (f) Eligibility for each child must be reevaluated
934 annually. Upon reevaluation, a child may not continue to receive
935 school readiness services if he or she ceases to be eligible
936 under this subsection.

937 (g) If a coalition disenrolls children from the school
938 readiness program, the coalition must disenroll the children in
939 reverse order of the eligibility priorities listed in paragraph
940 (a), beginning with children from families with the highest
941 family incomes. A notice of disenrollment must be sent to
942 parents and school readiness providers at least 2 weeks before
943 disenrollment to ensure adequate time for parents to arrange
944 alternative care for their children. However, an at-risk child
945 may not be disenrolled from the program without the written
946 approval of the Family Safety Program Office of the Department
947 of Children and Families or the community-based lead agency.

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

952 2. A school readiness provider, regardless of whether the
953 provider is licensed, must comply with the reporting
954 requirements under s. 39.604 for each at-risk child enrolled in
955 the school readiness program, regardless of the child's age or
956 eligibility for protective services.

957 ~~(c) Subsequent priority shall be given to a child who meets~~

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958 ~~one or more of the following criteria:~~

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

961 ~~a. Is at risk of welfare dependency, including an~~
962 ~~economically disadvantaged child, a child of a participant in~~
963 ~~the welfare transition program, a child of a migratory~~
964 ~~agricultural worker, or a child of a teen parent.~~

965 ~~b. Is a member of a working family that is economically~~
966 ~~disadvantaged.~~

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

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

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

980 ~~4. A child who meets federal and state eligibility~~
981 ~~requirements for the migrant preschool program but who is not~~
982 ~~economically disadvantaged.~~

983

984 ~~As used in this paragraph, the term "economically disadvantaged"~~
985 ~~means having a family income that does not exceed 150 percent of~~
986 ~~the federal poverty level. Notwithstanding any change in a~~

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987 ~~family's economic status, but subject to additional family~~
988 ~~contributions in accordance with the sliding fee scale, a child~~
989 ~~who meets the eligibility requirements upon initial registration~~
990 ~~for the program remains eligible until the beginning of the~~
991 ~~school year for which the child is eligible for admission to~~
992 ~~kindergarten in a public school under s. 1003.21(1)(a)2.~~

993 (8) ~~(7)~~ PARENTAL CHOICE.—

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

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

1000 (c) The school readiness program shall, in accordance with
1001 45 C.F.R. s. 98.30, provide parental choice through a payment
1002 certificate that ensures, to the maximum extent possible,
1003 flexibility in the school readiness program and payment
1004 arrangements. The payment certificate must bear the names of the
1005 beneficiary and the program provider and, when redeemed, must
1006 bear the signatures of both the beneficiary and an authorized
1007 representative of the provider.

1008 (d) If it is determined that a provider has given any cash
1009 to the beneficiary in return for receiving a payment
1010 certificate, the early learning coalition or its fiscal agent
1011 shall refer the matter to the Department of Financial Services
1012 pursuant to s. 414.411 for investigation.

1013 (e) The office of the Chief Financial Officer shall
1014 establish an electronic transfer system for the disbursement of
1015 funds in accordance with this subsection. Each early learning

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1016 coalition shall fully implement the electronic funds transfer
 1017 system within 2 years after approval of the coalition's school
 1018 readiness plan, unless a waiver is obtained from the Office of
 1019 Early Learning.

1020 (9)~~(8)~~ STANDARDS; OUTCOME MEASURES.—A program provider
 1021 participating in the school readiness program must meet the
 1022 performance standards and outcome measures adopted by the Office
 1023 of Early Learning.

1024 (10)~~(9)~~ FUNDING; SCHOOL READINESS PROGRAM.—

1025 (a) Funding for the school readiness program shall be
 1026 allocated among the early learning coalitions in accordance with
 1027 this section, s. 411.013, and the General Appropriations Act.

1028 ~~(a) It is the intent of this section to establish an~~
 1029 ~~integrated and quality seamless service delivery system for all~~
 1030 ~~publicly funded early childhood education and child care~~
 1031 ~~programs operating in this state.~~

1032 (b)1. The Office of Early Learning shall administer school
 1033 readiness funds, ~~plans, and policies~~ and shall prepare and
 1034 submit a unified budget request for the school readiness system
 1035 in accordance with chapter 216.

1036 2. All instructions to early learning coalitions for
 1037 administering this section shall emanate from the Office of
 1038 Early Learning in accordance with the policies of the
 1039 Legislature.

1040 ~~(c) The Office of Early Learning, subject to legislative~~
 1041 ~~notice and review under s. 216.177, shall establish a formula~~
 1042 ~~for the allocation of all state and federal school readiness~~
 1043 ~~funds provided for children participating in the school~~
 1044 ~~readiness program, whether served by a public or private~~

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1045 ~~provider, based upon equity for each county. The allocation~~
1046 ~~formula must be submitted to the Governor, the chair of the~~
1047 ~~Senate Ways and Means Committee or its successor, and the chair~~
1048 ~~of the House of Representatives Fiscal Council or its successor~~
1049 ~~no later than January 1 of each year. If the Legislature~~
1050 ~~specifies changes to the allocation formula, the Office of Early~~
1051 ~~Learning shall allocate funds as specified in the General~~
1052 ~~Appropriations Act.~~

1053 ~~(c) (d)~~ All state, federal, and required local maintenance-
1054 of-effort or matching funds provided to an early learning
1055 coalition for purposes of this section shall be used for
1056 implementation of its approved school readiness plan, including
1057 the hiring of staff to effectively operate the coalition's
1058 school readiness program. ~~As part of plan approval and periodic~~
1059 ~~plan review, the Office of Early Learning shall require that~~
1060 ~~administrative~~

1061 (d) Costs must be kept to the minimum necessary for the
1062 efficient and effective administration of the school readiness
1063 program. However, no more than 4 percent of the funds described
1064 in paragraph (c) may be used for administrative costs as
1065 described in subparagraph 1., and, except as otherwise specified
1066 in the General Appropriations Act, no more than 18 percent of
1067 the funds described in paragraph (c) may be used for any
1068 combination of the following administrative costs, quality
1069 activities, or nondirect services:

1070 1. Administrative costs as described in 45 C.F.R. s. 98.52.

1071 2. Activities to improve the quality of child care as
1072 described in 45 C.F.R. s. 98.51, which must be limited to the
1073 following:

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1074 a. Developing, establishing, expanding, operating, and
1075 coordinating resource and referral programs specifically related
1076 to the provision of comprehensive consumer education to parents
1077 and the public regarding participation in the school readiness
1078 program.

1079 b. Awarding grants to school readiness providers to assist
1080 them in meeting applicable state requirements for child care
1081 performance standards, implementing developmentally appropriate
1082 curricula and related classroom resources that support
1083 curricula, providing literacy supports, and providing
1084 professional development.

1085 c. Providing training and technical assistance for school
1086 readiness providers, staff, and parents on child performance
1087 standards, child screenings, child assessments, developmentally
1088 appropriate curricula, character development, teacher-child
1089 interactions, age-appropriate discipline practices, health and
1090 safety, nutrition, first aid, the recognition of communicable
1091 diseases, and child abuse detection and prevention.

1092 d. Providing from among the funds allocated for the
1093 activities described in sub-subparagraphs a.-c. adequate funding
1094 for infants and toddlers as necessary to meet federal
1095 requirements related to expenditures for quality activities for
1096 infant and toddler care.

1097 e. Monitoring providers using the standardized methodology
1098 adopted pursuant to subparagraph (5)(d)12. to improve compliance
1099 with state and federal regulations and law pursuant to the
1100 requirements of the statewide provider contract adopted pursuant
1101 to subparagraph (5)(d)11.

1102 f. Assisting the provider in implementing a preassessment

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1103 and postassessment approved by the Office of Early Learning.

1104 g. Responding to Warm-Line calls by providers and parents
1105 related to school readiness children, including providing
1106 developmental and health screenings to school readiness
1107 children.

1108 3. Nondirect services as described in 63 Fed. Reg. 39962-
1109 39963 (July 24, 1998) and applicable Office of Management and
1110 Budget instructions required to administer the school readiness
1111 program. As used in this paragraph, the term "nondirect
1112 services" does not include payments to school readiness
1113 providers for direct services provided to children who are
1114 eligible under paragraph (7) (a), administrative costs as
1115 described in subparagraph 1., or quality activities as described
1116 in subparagraph 2. ~~plan, but total administrative expenditures~~
1117 ~~must not exceed 5 percent unless specifically waived by the~~
1118 ~~Office of Early Learning. The Office of Early Learning shall~~
1119 ~~annually report to the Legislature any problems relating to~~
1120 ~~administrative costs.~~

1121 (e)1. A sliding fee scale percentage shall be provided in
1122 the General Appropriations Act, which must be the same for all
1123 school readiness providers. A parent's copayment for the school
1124 readiness program shall be determined by multiplying the sliding
1125 fee scale percentage by the family income and adjusting for
1126 family size.

1127 2. Each early learning coalition shall implement the
1128 sliding fee scale as provided in the General Appropriations Act.
1129 A coalition may, on a case-by-case basis, waive the copayment
1130 for an at-risk child or temporarily waive the copayment for a
1131 child whose family experiences a natural disaster or emergency

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1132 situation such as a household fire or burglary.

1133 (f)1. An adjusted payment rate percentage shall be provided
1134 in the General Appropriations Act, which must be used to
1135 determine annual payment rates for school readiness providers.
1136 The annual payment rates for each type of school readiness
1137 provider and level of care is calculated by:

1138 a. Multiplying the prevailing market rate for the
1139 respective type of school readiness provider and level of care
1140 by the adjusted payment rate percentage;

1141 b. Adjusting the product of sub-subparagraph a. by the
1142 district cost differential as provided in s. 1011.62(2) for the
1143 county in which the school readiness provider is located; and

1144 c. If the school readiness provider has the Gold Seal
1145 Quality Care designation under s. 402.281, multiplying the
1146 product of sub-subparagraph b. by the Gold Seal premium
1147 percentage provided in the General Appropriations Act.

1148 2. A school readiness provider's total payment for a child
1149 must be equal to the payment rate calculated under subparagraph
1150 1., less the amount of the parent's copayment as determined
1151 under paragraph (e). However, payments made to the school
1152 readiness provider may not exceed the provider's charges to the
1153 general public for the same services.

1154 (g) The Office of Early Learning may increase or decrease
1155 the adjusted payment rate percentage for a specific geographic
1156 area in order to ensure that care levels are available
1157 throughout the state. Any increase in an adjusted payment rate
1158 percentage must be funded through the current year's
1159 appropriation.

1160 ~~(e) The Office of Early Learning shall annually distribute,~~

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1161 ~~to a maximum extent practicable, all eligible funds provided~~
1162 ~~under this section as block grants to the early learning~~
1163 ~~coalitions in accordance with the terms and conditions specified~~
1164 ~~by the office.~~

1165 (h) ~~(f)~~ State funds appropriated for the school readiness
1166 program may not be used for the construction of new facilities
1167 or the purchase of buses.

1168 (i) ~~(g)~~ All cost savings and all revenues received through a
1169 mandatory sliding fee scale shall be used to help fund each
1170 early learning coalition's school readiness program.

1171 ~~(10) CONFLICTING PROVISIONS. If a conflict exists between~~
1172 ~~this section and federal requirements, the federal requirements~~
1173 ~~control.~~

1174 (11) SUBSTITUTE INSTRUCTORS.—Each school district shall
1175 make a list of all individuals currently eligible to act as a
1176 substitute teacher within the county pursuant to the rules
1177 adopted by the school district pursuant to s. 1012.35 available
1178 to an early learning coalition serving students within the
1179 school district. Child care facilities, as defined in ~~by~~ s.
1180 402.302, may employ individuals listed as substitute instructors
1181 for the purpose of offering the school readiness program, the
1182 Voluntary Prekindergarten Education Program, and all other
1183 legally operating child care programs.

1184 (12) INVESTIGATIONS OF FRAUD OR OVERPAYMENT; PENALTIES.—

1185 (a) As used in this subsection, the term "fraud" means an
1186 intentional deception or misrepresentation made by a person with
1187 knowledge that the deception or misrepresentation may result in
1188 an unauthorized benefit to that person or another person. The
1189 term includes any act that constitutes fraud under applicable

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1190 federal or state law.

1191 (b) To recover state, federal, and local matching funds,
1192 the inspector general of the Office of Early Learning shall
1193 investigate coalitions, recipients, and providers of the school
1194 readiness program and the Voluntary Prekindergarten Education
1195 Program to determine possible fraud or overpayment. If by its
1196 own inquiries, or as a result of a complaint, the office has
1197 reason to believe that a person has engaged in, or is engaging
1198 in, a fraudulent act, it shall investigate and determine whether
1199 any overpayment has occurred due to the fraudulent act. During
1200 the investigation, the office may examine all records, including
1201 electronic benefits transfer records, and make inquiry of all
1202 persons who may have knowledge as to any irregularity incidental
1203 to the disbursement of public moneys or other items or
1204 authorization of benefits to recipients.

1205 (c) If the inspector general determines that an overpayment
1206 has occurred due to a fraudulent act, the parent or provider is
1207 responsible for repayment and restitution of any costs
1208 associated with the fraud, and the office shall pursue
1209 collection through any legal means. A parent or provider may not
1210 participate in the program until the repayment is made in full.
1211 A provider who has an officer or director in common with a
1212 provider who is ineligible to participate under this subsection
1213 may not participate until repayment is made in full.

1214 (d) Based on the results of the investigation, the
1215 inspector general may, in his or her discretion, refer the
1216 investigation to the Department of Law Enforcement for criminal
1217 prosecution, or may seek civil enforcement or refer the matter
1218 to the applicable coalition. Any suspected criminal violation

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1219 identified by the inspector general must be referred to the
1220 Department of Legal Affairs for investigation.

1221 (e) If a school readiness provider, after investigation and
1222 adjudication by a court of competent jurisdiction, is convicted
1223 of fraudulently misrepresenting enrollment or attendance related
1224 to the school readiness program or the Voluntary Prekindergarten
1225 Education Program, the coalition shall permanently refrain from
1226 contracting with, or using the services of, that provider. In
1227 addition, the coalition shall permanently refrain from
1228 contracting with, or using the services of, a provider who has
1229 an officer or director in common with a provider who is
1230 convicted of fraudulently misrepresenting enrollment or
1231 attendance related to the school readiness program or the
1232 Voluntary Prekindergarten Education Program.

1233 (f) If the investigation is not confidential or otherwise
1234 exempt from disclosure by law, the results of the investigation
1235 may be reported by the Office of Early Learning to the
1236 appropriate legislative committees, the Department of Education,
1237 the Department of Children and Families, or such other persons
1238 as the office deems appropriate.

1239 (g) A person who commits fraud as defined in this
1240 subsection is subject to the penalties provided in s.
1241 414.39(5) (a) and (b).

1242 Section 2. Effective upon this act becoming a law, section
1243 411.013, Florida Statutes, is created to read:

1244 411.013 School Readiness Allocation Conference; allocation
1245 formula for school readiness program funds.—

1246 (1) There is created the School Readiness Allocation
1247 Conference. Conference principals shall include professional

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1248 staff of the Office of Early Learning, the Executive Office of
1249 the Governor, and the appropriations committees of the Senate
1250 and House of Representatives.

1251 (2) (a) By May 31, 2014, and by January 1 of each year
1252 thereafter, the Office of Early Learning shall submit to the
1253 School Readiness Allocation Conference a recommended formula for
1254 the allocation among the early learning coalitions of the school
1255 readiness program funds provided in the General Appropriations
1256 Act.

1257 (b) Before any distribution of school readiness program
1258 funds, the School Readiness Allocation Conference shall meet to
1259 review the recommended allocation formula submitted by the
1260 Office of Early Learning. The conference principals must agree
1261 on all conventions and methods of computation used to calculate
1262 the allocation formula for the fiscal year for which the
1263 appropriation is made. These conventions and calculation methods
1264 must remain in effect until further agreements are reached in
1265 subsequent conferences called by any conference principal for
1266 that purpose.

1267 (c) Each fiscal quarter, the Office of Early Learning shall
1268 recalculate the allocations for the early learning coalitions
1269 using the agreed upon methodology. The conference principals,
1270 upon the request of any conference principal, shall meet to
1271 review the quarterly calculation made by the Office of Early
1272 Learning. Before each recalculation of the allocation formula,
1273 the Office of Early Learning shall provide the conference
1274 principals with all data necessary to replicate the allocation
1275 precisely. These data must include a matrix organized by
1276 provider type of all eligible child count revisions made by the

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1277 Office of Early Learning as part of its administration of the
 1278 school readiness programs.

1279 (3) (a) Notwithstanding the provisions of s. 411.01(10) (e)
 1280 and (f) which require that the adjusted payment rate percentage,
 1281 sliding fee scale percentage, parent copayments, and Gold Seal
 1282 premium percentage be provided in the General Appropriations
 1283 Act, and for the 2013-2014 fiscal year only, the Office of Early
 1284 Learning shall, by May 31, 2014, submit recommendations to the
 1285 School Readiness Allocation Conference for the adjusted payment
 1286 rate percentage, sliding fee scale percentage, parent
 1287 copayments, and Gold Seal premium percentage.

1288 (b) The Office of Early Learning shall submit
 1289 recommendations to the School Readiness Allocation Conference
 1290 with options for a 3-year phase-in of the revised allocation
 1291 formula. As part of the 3-year phase-in, the Office of Early
 1292 Learning shall transition the Gold Seal premium percentage to 10
 1293 percent. For the first year of the transition, the Gold Seal
 1294 premium percentage must be at least 10 percent but not more than
 1295 18 percent. Once the 3-year phase-in of the allocation formula
 1296 is complete, the Office of Early Learning shall submit to the
 1297 conference any recommended revisions to the allocation formula
 1298 with recommended factors by January 1 of each year.

1299 Section 3. Paragraph (a) of subsection (8) of section
 1300 216.136, Florida Statutes, is amended to read:

1301 216.136 Consensus estimating conferences; duties and
 1302 principals.—

1303 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

1304 (a) The Early Learning Programs Estimating Conference shall
 1305 develop estimates and forecasts of the unduplicated count of

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1306 children eligible for school readiness programs in accordance
1307 with the standards of eligibility established in s. 411.01(7)
1308 ~~411.01(6)~~, and of children eligible for the Voluntary
1309 Prekindergarten Education Program in accordance with s.
1310 1002.53(2), as the conference determines are needed to support
1311 the state planning, budgeting, and appropriations processes.

1312 Section 4. Subsection (1) and paragraph (a) of subsection
1313 (3) of section 411.0101, Florida Statutes, are amended to read:
1314 411.0101 Child care and early childhood resource and
1315 referral.—

1316 (1) As a part of the school readiness programs, the Office
1317 of Early Learning shall establish a statewide child care
1318 resource and referral network that is unbiased and provides
1319 referrals to families for child care. Preference must ~~shall~~ be
1320 given to using the already established early learning coalitions
1321 as the child care resource and referral agencies. If an early
1322 learning coalition cannot comply with the requirements to offer
1323 the resource information component or does not want to offer
1324 that service, the early learning coalition shall select the
1325 resource and referral agency for its county or multicounty
1326 region based upon a request for proposal pursuant to s.
1327 411.01(6)(e) ~~411.01(5)(e)~~1.

1328 (3) Child care resource and referral agencies shall provide
1329 the following services:

1330 (a) Identification of existing public and private child
1331 care and early childhood education services, including child
1332 care services by public and private employers, and the
1333 development of a resource file of those services through the
1334 single statewide information system developed by the Office of

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1335 Early Learning under s. 411.01(6)(c) ~~1.e. 411.01(5)(e)1.e.~~ These
 1336 services may include family day care, public and private child
 1337 care programs, the Voluntary Prekindergarten Education Program,
 1338 Head Start, the school readiness program, special education
 1339 programs for prekindergarten children with disabilities,
 1340 services for children with developmental disabilities, full-time
 1341 and part-time programs, before-school and after-school programs,
 1342 vacation care programs, parent education, the Temporary Cash
 1343 Assistance program, and related family support services. The
 1344 resource file must ~~shall~~ include, but need not be limited to:

- 1345 1. Type of program.
- 1346 2. Hours of service.
- 1347 3. Ages of children served.
- 1348 4. Number of children served.
- 1349 5. Significant program information.
- 1350 6. Fees and eligibility for services.
- 1351 7. Availability of transportation.

1352 Section 5. Section 411.01013, Florida Statutes, is amended
 1353 to read:

1354 411.01013 Prevailing market rate schedule.-

1355 (1) As used in this section, the terms ~~term:~~

1356 ~~(a) "market rate" and means the price that a child care~~
 1357 ~~provider charges for daily, weekly, or monthly child care~~
 1358 ~~services.~~

1359 ~~(b) "prevailing market rate" have the same meanings as~~
 1360 ~~provided in s. 411.01 means the annually determined 75th~~
 1361 ~~percentile of a reasonable frequency distribution of the market~~
 1362 ~~rate in a predetermined geographic market at which child care~~
 1363 ~~providers charge a person for child care services.~~

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1364 (2) The Office of Early Learning shall establish ~~procedures~~
1365 ~~for the adoption of a~~ prevailing market rate schedule. The
1366 schedule must ~~include, at a minimum, county-by-county rates:~~

1367 ~~(a) At the prevailing market rate, plus the maximum rate,~~
1368 ~~for child care providers that hold a Gold Seal Quality Care~~
1369 ~~designation under s. 402.281.~~

1370 ~~(b) At the prevailing market rate for child care providers~~
1371 ~~that do not hold a Gold Seal Quality Care designation.~~

1372 ~~(3) The prevailing market rate schedule, at a minimum,~~
1373 ~~must:~~

1374 (a) Differentiate rates by type, including, but not limited
1375 to, ~~a child care provider that holds a Gold Seal Quality Care~~
1376 ~~designation under s. 402.281,~~ a child care facility licensed
1377 under s. 402.305, a public or nonpublic school exempt from
1378 licensure under s. 402.3025, a faith-based child care facility
1379 exempt from licensure under s. 402.316 ~~that does not hold a Gold~~
1380 ~~Seal Quality Care designation,~~ a large family child care home
1381 licensed under s. 402.3131, or a family day care home licensed
1382 or registered under s. 402.313.

1383 (b) Differentiate rates by the type of child care services
1384 provided for ~~children with special needs or risk categories,~~
1385 infants, toddlers, preschool-age children, and school-age
1386 children.

1387 (c) Differentiate rates between full-time and part-time
1388 child care services.

1389 ~~(d) Consider discounted rates for child care services for~~
1390 ~~multiple children in a single family.~~

1391 (3) ~~(4)~~ The prevailing market rate schedule must be based
1392 exclusively on the prices charged for child care services. If a

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1393 conflict exists between this subsection and federal
1394 requirements, the federal requirements ~~shall~~ control.

1395 (4)~~(5)~~ Each child care and early childhood education
1396 provider that receives school readiness funds must submit its
1397 market rate by August 1 of each year to the Office of Early
1398 Learning for inclusion in the calculation of the prevailing
1399 market rate shall be considered by an early learning coalition
1400 in the adoption of a payment schedule in accordance with s.
1401 411.01(5)(e)2.

1402 (5)~~(6)~~ The Office of Early Learning may contract with one
1403 or more qualified entities to administer this section and
1404 provide support and technical assistance for child care
1405 providers.

1406 (6)~~(7)~~ The Office of Early Learning may adopt rules
1407 pursuant to ss. 120.536(1) and 120.54 for establishing
1408 procedures for the collection of child care providers' market
1409 rate, the calculation of a reasonable frequency distribution of
1410 the market rate, and the publication of a prevailing market rate
1411 schedule.

1412 Section 6. Section 411.0106, Florida Statutes, is amended
1413 to read:

1414 411.0106 Infants and toddlers in state-funded education and
1415 care programs; brain development activities.—Each state-funded
1416 education and care program for children from birth to 5 years of
1417 age must provide activities to foster brain development in
1418 infants and toddlers. A program must provide an environment that
1419 helps children attain the performance standards adopted by the
1420 Office of Early Learning pursuant to ~~under~~ s. 411.01(5)(d)8.
1421 ~~411.01(4)(d)8.~~ and must be rich in language and music and filled

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1422 with objects of various colors, shapes, textures, and sizes to
1423 stimulate visual, tactile, auditory, and linguistic senses in
1424 the children and must include classical music and at least 30
1425 minutes of reading to the children each day. A program may be
1426 offered through an existing early childhood program such as
1427 Healthy Start, the Title I program, the school readiness
1428 program, the Head Start program, or a private child care
1429 program. A program must provide training for the infants' and
1430 toddlers' parents, including direct dialogue and interaction
1431 between teachers and parents demonstrating the urgency of brain
1432 development in the first year of a child's life. Family day care
1433 centers are encouraged, but not required, to comply with this
1434 section.

1435 Section 7. Paragraph (c) of subsection (1) of section
1436 445.023, Florida Statutes, is amended to read:

1437 445.023 Program for dependent care for families with
1438 children with special needs.—

1439 (1) There is created the program for dependent care for
1440 families with children who have ~~with~~ special needs. This program
1441 is intended to provide assistance to families with children who
1442 meet the following requirements:

1443 (c) The family meets the income guidelines established
1444 under s. 411.01(7) ~~411.01(6)~~, notwithstanding any financial
1445 eligibility criteria to the contrary in s. 414.075, s. 414.085,
1446 or s. 414.095.

1447 Section 8. Notwithstanding the changes made by this act to
1448 the eligibility priorities for the school readiness program in
1449 s. 411.01, Florida Statutes, an early learning coalition may not
1450 disenroll a child who, upon the effective date of this act, is

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1451 enrolled in the school readiness program and receiving services
1452 under the eligibility priorities in s. 411.01(6), Florida
1453 Statutes, until the child ceases to be eligible under those
1454 priorities. An early learning coalition shall enroll all
1455 eligible children, including those from its waiting list, in
1456 accordance with the changes made by this act to the eligibility
1457 priorities in s. 411.01, Florida Statutes.

1458 Section 9. Except as otherwise expressly provided in this
1459 act and except for this section, which shall take effect upon
1460 this act becoming a law, this act shall take effect July 1,
1461 2013.