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1
2 An act relating to early learning; creating s.
3 1001.213, F.S.; creating the Office of Early Learning
4 within the Office of Independent Education and
5 Parental Choice; providing duties relating to the
6 establishment and operation of the school readiness
7 program and the Voluntary Prekindergarten Education
8 Program; amending s. 1002.51, F.S.; conforming a
9 cross-reference; amending s. 1002.53, F.S.; clarifying
10 Voluntary Prekindergarten Education Program student
11 enrollment provisions; amending s. 1002.55, F.S.;
12 providing additional requirements for private
13 prekindergarten providers and instructors; providing
14 duties of the office; amending s. 1002.57, F.S.;
15 requiring the office to adopt standards for a
16 prekindergarten director credential; amending s.
17 1002.59, F.S.; requiring the office to adopt standards
18 for training courses; amending s. 1002.61, F.S.;
19 providing a requirement for a public school delivering
20 the summer prekindergarten program; amending s.
21 1002.63, F.S.; providing a requirement for a public
22 school delivering the school-year prekindergarten
23 program; amending s. 1002.66, F.S.; deleting obsolete
24 provisions; amending s. 1002.67, F.S.; requiring the
25 office to adopt performance standards for students in
26 the Voluntary Prekindergarten Education Program and
27 approve curricula; revising provisions relating to
28 removal of provider eligibility, submission of an



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29 | improvement plan, and required corrective actions;
30 | amending s. 1002.69, F.S.; providing duties of the
31 | office relating to statewide kindergarten screening,
32 | kindergarten readiness rates, and good cause
33 | exemptions for providers; amending s. 1002.71, F.S.;
34 | revising provisions relating to payment of funds to
35 | providers; amending s. 1002.72, F.S.; providing for
36 | the release of Voluntary Prekindergarten Education
37 | Program student records for the purpose of
38 | investigations; amending s. 1002.75, F.S.; revising
39 | duties of the office for administering the Voluntary
40 | Prekindergarten Education Program; amending s.
41 | 1002.77, F.S.; revising provisions relating to the
42 | Florida Early Learning Advisory Council; amending s.
43 | 1002.79, F.S.; deleting certain State Board of
44 | Education rulemaking authority for the Voluntary
45 | Prekindergarten Education Program; creating part VI of
46 | ch. 1002, F.S., consisting of ss. 1002.81-1002.96,
47 | relating to the school readiness program; providing
48 | definitions; providing powers and duties of the Office
49 | of Early Learning; providing for early learning
50 | coalitions; providing early learning coalition powers
51 | and duties for the school readiness program; providing
52 | requirements for early learning coalition plans;
53 | providing a school readiness program education
54 | component; providing school readiness program
55 | eligibility and enrollment requirements; providing
56 | school readiness program provider standards and



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57 | eligibility to deliver the school readiness program;
58 | providing school readiness program funding; providing
59 | a market rate schedule; providing for investigation of
60 | fraud or overpayment and penalties therefor; providing
61 | for child care and early childhood resource and
62 | referral; providing for school readiness program
63 | transportation services; providing for the Child Care
64 | Executive Partnership Program; providing for the
65 | Teacher Education and Compensation Helps scholarship
66 | program; providing for Early Head Start collaboration
67 | grants; transferring, renumbering, and amending s.
68 | 411.011, F.S., relating to the confidentiality of
69 | records of children in the school readiness program;
70 | revising provisions with respect to the release of
71 | records; amending s. 11.45, F.S.; conforming a cross-
72 | reference; amending s. 20.15, F.S.; conforming
73 | provisions; modifying the organizational structure
74 | within the Department of Education; amending s.
75 | 216.136, F.S.; conforming a cross-reference; amending
76 | s. 402.281, F.S.; revising requirements relating to
77 | receipt of a Gold Seal Quality Care designation;
78 | amending s. 402.302, F.S.; conforming a cross-
79 | reference; amending s. 402.305, F.S.; providing that
80 | certain child care after-school programs may provide
81 | meals through a federal program; amending ss. 445.023,
82 | 490.014, and 491.014, F.S.; conforming cross-
83 | references; amending s. 1001.11, F.S.; providing a
84 | duty of the Commissioner of Education relating to



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85 | early learning programs; repealing s. 411.01, F.S.,
86 | relating to the school readiness program and early
87 | learning coalitions; repealing s. 411.0101, F.S.,
88 | relating to child care and early childhood resource
89 | and referral; repealing s. 411.01013, F.S., relating
90 | to the prevailing market rate schedule; repealing s.
91 | 411.01014, F.S., relating to school readiness
92 | transportation services; repealing s. 411.01015, F.S.,
93 | relating to consultation to child care centers and
94 | family day care homes; repealing s. 411.0102, F.S.,
95 | relating to the Child Care Executive Partnership Act;
96 | repealing s. 411.0103, F.S., relating to the Teacher
97 | Education and Compensation Helps scholarship program;
98 | repealing s. 411.0104, relating to Early Head Start
99 | collaboration grants; repealing s. 411.0105, F.S.,
100 | relating to the Early Learning Opportunities Act and
101 | Even Start Family Literacy Programs; repealing s.
102 | 411.0106, F.S., relating to infants and toddlers in
103 | state-funded education and care programs; authorizing
104 | specified positions for the Office of Early Learning;
105 | requiring the office to develop a reorganization plan
106 | for the office and submit the plan to the Governor and
107 | the Legislature; providing an effective date.

108 |
109 | Be It Enacted by the Legislature of the State of Florida:

110 |
111 | Section 1. Section 1001.213, Florida Statutes, is created
112 | to read:



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113 | 1001.213 Office of Early Learning.—There is created within
114 | the Office of Independent Education and Parental Choice the
115 | Office of Early Learning, as required under s. 20.15, which
116 | shall be administered by an executive director. The office shall
117 | be fully accountable to the Commissioner of Education but shall:

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

121 | (2) Adopt rules for the establishment and operation of the
122 | school readiness program and the Voluntary Prekindergarten
123 | Education Program. The office shall submit the rules to the
124 | State Board of Education for approval or disapproval. If the
125 | state board does not act on a rule within 60 days after receipt,
126 | the rule shall be filed immediately with the Department of
127 | State.

128 | (3) In compliance with part VI of chapter 1002 and its
129 | powers and duties under s. 1002.82, administer the school
130 | readiness program at the state level for the state's eligible
131 | population described in s. 1002.87 and provide guidance to early
132 | learning coalitions in the implementation of the program.

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

136 | (5) Administer the operational requirements of the child
137 | care resource and referral network at the state level.

138 | (6) Keep administrative staff to the minimum necessary to
139 | administer the duties of the office.

140 | Section 2. Subsection (4) of section 1002.51, Florida



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141 Statutes, is amended to read:

142 1002.51 Definitions.—As used in this part, the term:

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

145 Section 3. Paragraph (a) of subsection (4) and paragraph
 146 (b) of subsection (6) of section 1002.53, Florida Statutes, is
 147 amended to read:

148 1002.53 Voluntary Prekindergarten Education Program;
 149 eligibility and enrollment.—

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

154 (6) (b) A parent may enroll his or her child with any
 155 public school within the school district which is eligible to
 156 deliver the Voluntary Prekindergarten Education Program under
 157 this part, subject to available space. Each school district may
 158 limit the number of students admitted by any public school for
 159 enrollment in the school-year program; however, the school
 160 district must provide for the admission of every eligible child
 161 within the district whose parent enrolls the child in a summer
 162 prekindergarten program delivered by a public school under s.
 163 1002.61.

164 Section 4. Paragraphs (c) and (g) of subsection (3) of
 165 section 1002.55, Florida Statutes, are amended, paragraph (i) is
 166 redesignated as paragraph (m), and new paragraphs (i), (j), (k),
 167 and (l) are added to that subsection, to read:

168 1002.55 School-year prekindergarten program delivered by



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169 private prekindergarten providers.—

170 (3) To be eligible to deliver the prekindergarten program,
 171 a private prekindergarten provider must meet each of the
 172 following requirements:

173 (c) The private prekindergarten provider must have, for
 174 each prekindergarten class of 11 children or fewer, at least one
 175 prekindergarten instructor who meets each of the following
 176 requirements:

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

179 a. A child development associate credential issued by the
 180 National Credentialing Program of the Council for Professional
 181 Recognition; or

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

185
 186 The Department of Children and Families ~~Family Services~~ may
 187 adopt rules under ss. 120.536(1) and 120.54 which provide
 188 criteria and procedures for approving equivalent credentials
 189 under sub-subparagraph b.

190 2. The prekindergarten instructor must successfully
 191 complete an emergent literacy training course and a student
 192 performance standards training course approved by the office
 193 ~~department~~ as meeting or exceeding the minimum standards adopted
 194 under s. 1002.59. The requirement for completion of the
 195 standards training course shall take effect July 1, 2014, and
 196 the course shall be available online. ~~This subparagraph does not~~



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197 ~~apply to a prekindergarten instructor who successfully completes~~
198 ~~approved training in early literacy and language development~~
199 ~~under s. 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5)~~
200 ~~before the establishment of one or more emergent literacy~~
201 ~~training courses under s. 1002.59 or April 1, 2005, whichever~~
202 ~~occurs later.~~

203 (g) ~~Before the beginning of the 2006-2007 school year, The~~
204 private prekindergarten provider must have a prekindergarten
205 director who has a prekindergarten director credential that is
206 approved by the office ~~department~~ as meeting or exceeding the
207 minimum standards adopted under s. 1002.57. Successful
208 completion of a child care facility director credential under s.
209 402.305(2)(f) before the establishment of the prekindergarten
210 director credential under s. 1002.57 or July 1, 2006, whichever
211 occurs later, satisfies the requirement for a prekindergarten
212 director credential under this paragraph.

213 (i) The private prekindergarten provider must execute the
214 statewide provider contract prescribed under s. 1002.75, except
215 that an individual who owns or operates multiple private
216 prekindergarten providers within a coalition's service area may
217 execute a single agreement with the coalition on behalf of each
218 provider.

219 (j) The private prekindergarten provider must maintain
220 general liability insurance and provide the coalition with
221 written evidence of general liability insurance coverage,
222 including coverage for transportation of children if
223 prekindergarten students are transported by the provider. A
224 provider must obtain and retain an insurance policy that



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225 provides a minimum of \$100,000 of coverage per occurrence and a
 226 minimum of \$300,000 general aggregate coverage. The office may
 227 authorize lower limits upon request, as appropriate. A provider
 228 must add the coalition as a named certificateholder and as an
 229 additional insured. A provider must provide the coalition with a
 230 minimum of 10 calendar days' advance written notice of
 231 cancellation of or changes to coverage. The general liability
 232 insurance required by this paragraph must remain in full force
 233 and effect for the entire period of the provider contract with
 234 the coalition.

235 (k) The private prekindergarten provider must obtain and
 236 maintain any required workers' compensation insurance under
 237 chapter 440 and any required reemployment assistance or
 238 unemployment compensation coverage under chapter 443.

239 (l) Notwithstanding paragraph (j), for a private
 240 prekindergarten provider that is a state agency or a subdivision
 241 thereof, as defined in s. 768.28(2), the provider must agree to
 242 notify the coalition of any additional liability coverage
 243 maintained by the provider in addition to that otherwise
 244 established under s. 768.28. The provider shall indemnify the
 245 coalition to the extent permitted by s. 768.28.

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

248 1002.57 Prekindergarten director credential.—

249 (1) ~~By July 1, 2006,~~ The office, in consultation with the
 250 Department of Children and Families, ~~department~~ shall adopt
 251 minimum standards for a credential for prekindergarten directors
 252 of private prekindergarten providers delivering the Voluntary



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253 Prekindergarten Education Program. The credential must encompass
254 requirements for education and onsite experience.

255 Section 6. Section 1002.59, Florida Statutes, is amended
256 to read:

257 1002.59 Emergent literacy and performance standards
258 training courses.-

259 (1) ~~By April 1, 2005,~~ The office ~~department~~ shall adopt
260 minimum standards for one or more training courses in emergent
261 literacy for prekindergarten instructors. Each course must
262 comprise 5 clock hours and provide instruction in strategies and
263 techniques to address the age-appropriate progress of
264 prekindergarten students in developing emergent literacy skills,
265 including oral communication, knowledge of print and letters,
266 phonemic and phonological awareness, and vocabulary and
267 comprehension development. Each course must also provide
268 resources containing strategies that allow students with
269 disabilities and other special needs to derive maximum benefit
270 from the Voluntary Prekindergarten Education Program. Successful
271 completion of an emergent literacy training course approved
272 under this section satisfies requirements for approved training
273 in early literacy and language development under ss.
274 402.305(2)(d)5., 402.313(6), and 402.3131(5).

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



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281 Section 7. Subsections (3), (4), and (8) of section
282 1002.61, Florida Statutes, are amended to read:

283 1002.61 Summer prekindergarten program delivered by public
284 schools and private prekindergarten providers.—

285 (3)(a) Each district school board shall determine which
286 public schools in the school district are eligible to deliver
287 the summer prekindergarten program. The school district shall
288 use educational facilities available in the public schools
289 during the summer term for the summer prekindergarten program.

290 (b) Each public school delivering the summer
291 prekindergarten program must execute the statewide provider
292 contract prescribed under s. 1002.75, except that the school
293 district may execute a single agreement with the early learning
294 coalition on behalf of all district schools.

295 (c) ~~(b)~~ Except as provided in this section, to be eligible
296 to deliver the summer prekindergarten program, a private
297 prekindergarten provider must meet each requirement in s.
298 1002.55.

299 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),
300 each public school and private prekindergarten provider must
301 have, for each prekindergarten class, at least one
302 prekindergarten instructor who:

303 ~~(a)~~ is a certified teacher~~r~~ or

304 ~~(b)~~ holds one of the educational credentials specified in
305 s. 1002.55(4)(a) or (b). As used in this subsection, the term
306 "certified teacher" means a teacher holding a valid Florida
307 educator certificate under s. 1012.56 who has the qualifications
308 required by the district school board to instruct students in



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309 | the summer prekindergarten program. In selecting instructional
 310 | staff for the summer prekindergarten program, each school
 311 | district shall give priority to teachers who have experience or
 312 | coursework in early childhood education.

313 | (8) Each public school delivering the summer
 314 | prekindergarten program must also:

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

317 | ~~(b)~~ deliver the Voluntary Prekindergarten Education
 318 | Program in accordance with this part.

319 | Section 8. Subsections (3) and (8) of section 1002.63,
 320 | Florida Statutes, are amended to read:

321 | 1002.63 School-year prekindergarten program delivered by
 322 | public schools.—

323 | (3) (a) The district school board of each school district
 324 | shall determine which public schools in the district may deliver
 325 | the prekindergarten program during the school year.

326 | (b) Each public school delivering the school-year
 327 | prekindergarten program must execute the statewide provider
 328 | contract prescribed under s. 1002.75, except that the school
 329 | district may execute a single agreement with the early learning
 330 | coalition on behalf of all district schools.

331 | (8) Each public school delivering the school-year
 332 | prekindergarten program must:

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

335 | ~~(b)~~ deliver the Voluntary Prekindergarten Education
 336 | Program in accordance with this part.



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

339 1002.66 Specialized instructional services for children
 340 with disabilities.—

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

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

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

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

353 1002.67 Performance standards; curricula and
 354 accountability.—

355 (1)(a) The office ~~department~~ shall develop and adopt
 356 performance standards for students in the Voluntary
 357 Prekindergarten Education Program. The performance standards
 358 must address the age-appropriate progress of students in the
 359 development of:

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

362 2. Emergent literacy skills, including oral communication,
 363 knowledge of print and letters, phonemic and phonological
 364 awareness, and vocabulary and comprehension development.



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366 By October 1, 2013, the office shall examine the existing
367 performance standards in the area of mathematical thinking and
368 develop a plan to make appropriate professional development and
369 training courses available to prekindergarten instructors.

370 (b) The office ~~State Board of Education~~ shall periodically
371 review and revise the performance standards for the statewide
372 kindergarten screening administered under s. 1002.69 and align
373 the standards to the standards established by the state board
374 for student performance on the statewide assessments
375 administered pursuant to s. 1008.22.

376 (2)

377 (c) The office ~~department~~ shall review and approve
378 curricula for use by private prekindergarten providers and
379 public schools that are placed on probation under paragraph
380 (4) (c). The office ~~department~~ shall maintain a list of the
381 curricula approved under this paragraph. Each approved
382 curriculum must meet the requirements of paragraph (b).

383 (4) (a) Each early learning coalition shall verify that
384 each private prekindergarten provider delivering the Voluntary
385 Prekindergarten Education Program within the coalition's county
386 or multicounty region complies with this part. Each district
387 school board shall verify that each public school delivering the
388 program within the school district complies with this part.

389 (b) If a private prekindergarten provider or public school
390 fails or refuses to comply with this part, or if a provider or
391 school engages in misconduct, the office ~~of Early Learning~~ shall
392 require the early learning coalition to remove the provider, and



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393 ~~the Department of Education shall~~ require the school district to
 394 remove the school from eligibility to deliver the Voluntary
 395 Prekindergarten Education Program and receive state funds under
 396 this part for a period of 5 years.

397 (c)1. If the kindergarten readiness rate of a private
 398 prekindergarten provider or public school falls below the
 399 minimum rate adopted by the office ~~State Board of Education~~ as
 400 satisfactory under s. 1002.69(6), the early learning coalition
 401 or school district, as applicable, shall require the provider or
 402 school to submit an improvement plan for approval by the
 403 coalition or school district, as applicable, and to implement
 404 the plan;~~;~~

405 ~~2. If a private prekindergarten provider or public school~~
 406 ~~fails to meet the minimum rate adopted by the State Board of~~
 407 ~~Education as satisfactory under s. 1002.69(6), the early~~
 408 ~~learning coalition or school district, as applicable,~~ shall
 409 place the provider or school on probation; and shall ~~must~~
 410 require the provider or school to take certain corrective
 411 actions, including the use of a curriculum approved by the
 412 office ~~department~~ under paragraph (2)(c) or a staff development
 413 plan to strengthen instruction in language development and
 414 phonological awareness approved by the office ~~department~~.

415 ~~2.3.~~ A private prekindergarten provider or public school
 416 that is placed on probation must continue the corrective actions
 417 required under subparagraph 1. 2.~~2.~~, including the use of a
 418 curriculum or a staff development plan to strengthen instruction
 419 in language development and phonological awareness approved by
 420 the office ~~department~~, until the provider or school meets the



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421 minimum rate adopted by the office ~~State Board of Education~~ as
422 satisfactory under s. 1002.69(6). Failure to implement an
423 approved improvement plan or staff development plan shall result
424 in the termination of the provider's contract to deliver the
425 Voluntary Prekindergarten Education Program for a period of 5
426 years.

427 3.4. If a private prekindergarten provider or public
428 school remains on probation for 2 consecutive years and fails to
429 meet the minimum rate adopted by the office ~~State Board of~~
430 ~~Education~~ as satisfactory under s. 1002.69(6) and is not granted
431 a good cause exemption by the office ~~department~~ pursuant to s.
432 1002.69(7), the office ~~of Early Learning~~ shall require the early
433 learning coalition or ~~the Department of Education~~ shall require
434 the school district to remove, as applicable, the provider or
435 school from eligibility to deliver the Voluntary Prekindergarten
436 Education Program and receive state funds for the program for a
437 period of 5 years.

438 (d) Each early learning coalition and, the office ~~of Early~~
439 ~~Learning,~~ and the ~~department~~ shall coordinate with the Child
440 Care Services Program Office of the Department of Children and
441 Families ~~Family Services~~ to minimize interagency duplication of
442 activities for monitoring private prekindergarten providers for
443 compliance with requirements of the Voluntary Prekindergarten
444 Education Program under this part, the school readiness program
445 ~~programs~~ under part VI of this chapter ~~s. 411.01~~, and the
446 licensing of providers under ss. 402.301-402.319.

447 Section 11. Subsections (2), (5), (6), and (7) of section
448 1002.69, Florida Statutes, are amended to read:



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449 | 1002.69 Statewide kindergarten screening; kindergarten
450 | readiness rates; state-approved prekindergarten enrollment
451 | screening; good cause exemption.—

452 | (2) The statewide kindergarten screening shall provide
453 | objective data concerning each student's readiness for
454 | kindergarten and progress in attaining the performance standards
455 | adopted by the office ~~department~~ under s. 1002.67(1).

456 | (5) The office ~~State Board of Education~~ shall adopt
457 | procedures ~~for the department~~ to annually calculate each private
458 | prekindergarten provider's and public school's kindergarten
459 | readiness rate, which must be expressed as the percentage of the
460 | provider's or school's students who are assessed as ready for
461 | kindergarten. The methodology for calculating each provider's
462 | kindergarten readiness rate must include student learning gains
463 | when available and the percentage of students who meet all state
464 | readiness measures. The rates must not include students who are
465 | not administered the statewide kindergarten screening. The
466 | office ~~state board~~ shall determine learning gains using a value-
467 | added measure based on growth demonstrated by the results of the
468 | preassessment and postassessment ~~pre- and post-assessment~~ from
469 | at least 2 successive years of administration of the
470 | preassessment and postassessment ~~pre- and post-assessment~~.

471 | (6) The office ~~State Board of Education~~ shall periodically
472 | adopt a minimum kindergarten readiness rate that, if achieved by
473 | a private prekindergarten provider or public school, would
474 | demonstrate the provider's or school's satisfactory delivery of
475 | the Voluntary Prekindergarten Education Program.

476 | (7) (a) Notwithstanding s. 1002.67(4)(c)3. ~~1002.67(4)(e)4.~~,



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477 | the office ~~State Board of Education~~, upon the request of a
478 | private prekindergarten provider or public school that remains
479 | on probation for 2 consecutive years or more and subsequently
480 | fails to meet the minimum rate adopted under subsection (6) and
481 | for good cause shown, may grant to the provider or school an
482 | exemption from being determined ineligible to deliver the
483 | Voluntary Prekindergarten Education Program and receive state
484 | funds for the program. Such exemption is valid for 1 year and,
485 | upon the request of the private prekindergarten provider or
486 | public school and for good cause shown, may be renewed.

487 | (b) A private prekindergarten provider's or public
488 | school's request for a good cause exemption, or renewal of such
489 | an exemption, must be submitted to the office ~~state board~~ in the
490 | manner and within the timeframes prescribed by the office ~~state~~
491 | ~~board~~ and must include the following:

492 | 1. Submission of data by the private prekindergarten
493 | provider or public school which documents the achievement and
494 | progress of the children served as measured by the state-
495 | approved prekindergarten enrollment screening and the
496 | standardized postassessment approved by the office ~~department~~
497 | pursuant to subparagraph (c)1.

498 | 2. Submission and review of data available from the
499 | respective early learning coalition or district school board,
500 | the Department of Children and Families ~~Family Services~~, local
501 | licensing authority, or an accrediting association, as
502 | applicable, relating to the private prekindergarten provider's
503 | or public school's compliance with state and local health and
504 | safety standards.



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505 | 3. Submission and review of data available to the office
 506 | ~~department~~ on the performance of the children served and the
 507 | calculation of the private prekindergarten provider's or public
 508 | school's kindergarten readiness rate.

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

512 | 1. Learning gains of children served in the Voluntary
 513 | Prekindergarten Education Program by the private prekindergarten
 514 | provider or public school.

515 | 2. Verification that local and state health and safety
 516 | requirements are met.

517 | (d) A good cause exemption may not be granted to any
 518 | private prekindergarten provider that has any class I violations
 519 | or two or more class II violations within the 2 years preceding
 520 | the provider's or school's request for the exemption. For
 521 | purposes of this paragraph, class I and class II violations have
 522 | the same meaning as provided in s. 402.281(4).

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

529 | (f) ~~The State Board of Education shall notify the Office~~
 530 | ~~of Early Learning of any good cause exemption granted to a~~
 531 | ~~private prekindergarten provider under this subsection.~~ If a
 532 | good cause exemption is granted to a private prekindergarten



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533 provider who remains on probation for 2 consecutive years, the
534 office ~~of Early Learning~~ shall notify the early learning
535 coalition of the good cause exemption and direct that the
536 coalition, notwithstanding s. 1002.67(4)(c)3. ~~1002.67(4)(c)4.~~,
537 not remove the provider from eligibility to deliver the
538 Voluntary Prekindergarten Education Program or to receive state
539 funds for the program, if the provider meets all other
540 applicable requirements of this part.

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

544 1002.71 Funding; financial and attendance reporting.—

545 (3)

546 (d) For programs offered by school districts pursuant to
547 s. 1002.61 ~~and beginning with the 2009 summer program~~, each
548 district's funding shall be based on a student enrollment that
549 is evenly divisible by 12. If the result of dividing a
550 district's student enrollment by 12 is not a whole number, the
551 district's enrollment calculation shall be adjusted by adding
552 the minimum number of students to produce a student enrollment
553 calculation that is evenly divisible by 12.

554 (5) (a) Each early learning coalition shall maintain
555 through the single point of entry established under s. 1002.82
556 ~~411.01~~ a current database of the students enrolled in the
557 Voluntary Prekindergarten Education Program for each county
558 within the coalition's region.

559 (b) The Office of Early Learning shall adopt procedures
560 for the payment of private prekindergarten providers and public



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561 schools delivering the Voluntary Prekindergarten Education
562 Program. The procedures shall provide for the advance payment of
563 providers and schools based upon student enrollment in the
564 program, the certification of student attendance, and the
565 reconciliation of advance payments in accordance with the
566 uniform attendance policy adopted under paragraph (6)(d). The
567 procedures shall provide for the monthly distribution of funds
568 by the Office of Early Learning to the early learning coalitions
569 for payment by the coalitions to private prekindergarten
570 providers and public schools. ~~The department shall transfer to~~
571 ~~the Office of Early Learning at least once each quarter the~~
572 ~~funds available for payment to private prekindergarten providers~~
573 ~~and public schools in accordance with this paragraph from the~~
574 ~~funds appropriated for that purpose.~~

575 (7) The Office of Early Learning shall require that
576 administrative expenditures be kept to the minimum necessary for
577 efficient and effective administration of the Voluntary
578 Prekindergarten Education Program. Administrative policies and
579 procedures shall be revised, to the maximum extent practicable,
580 to incorporate the use of automation and electronic submission
581 of forms, including those required for child eligibility and
582 enrollment, provider and class registration, and monthly
583 certification of attendance for payment. A school district may
584 use its automated daily attendance reporting system for the
585 purpose of transmitting attendance records to the early learning
586 coalition in a mutually agreed-upon format. In addition, actions
587 shall be taken to reduce paperwork, eliminate the duplication of
588 reports, and eliminate other duplicative activities. ~~Beginning~~



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589 ~~with the 2011-2012 fiscal year,~~ Each early learning coalition
590 may retain and expend no more than 4.0 percent of the funds paid
591 by the coalition to private prekindergarten providers and public
592 schools under paragraph (5) (b). Funds retained by an early
593 learning coalition under this subsection may be used only for
594 administering the Voluntary Prekindergarten Education Program
595 and may not be used for the school readiness program or other
596 programs.

597 Section 13. Paragraph (a) of subsection (3) of section
598 1002.72, Florida Statutes, is amended to read:

599 1002.72 Records of children in the Voluntary
600 Prekindergarten Education Program.—

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

603 1. The United States Secretary of Education, the United
604 States Secretary of Health and Human Services, and the
605 Comptroller General of the United States for the purpose of
606 federal audits or investigations.

607 2. Individuals or organizations conducting studies for
608 institutions to develop, validate, or administer assessments or
609 improve instruction.

610 3. Accrediting organizations in order to carry out their
611 accrediting functions.

612 4. Appropriate parties in connection with an emergency if
613 the information is necessary to protect the health or safety of
614 the child or other individuals.

615 5. The Auditor General in connection with his or her
616 official functions.



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

619 7. Parties to an interagency agreement among early
620 learning coalitions, local governmental agencies, Voluntary
621 Prekindergarten Education Program providers, or state agencies
622 for the purpose of implementing the Voluntary Prekindergarten
623 Education Program.

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

627 1002.75 Office of Early Learning; powers and duties~~+~~
628 ~~operational requirements.~~-

629 (1) The Office of Early Learning shall adopt by rule a
630 standard statewide provider contract to be used with each
631 Voluntary Prekindergarten Education Program provider, with
632 standardized attachments by provider type. The office shall
633 publish a copy of the standard statewide provider contract on
634 its website. The standard statewide contract shall include, at a
635 minimum, provisions for provider probation, termination for
636 cause, and emergency termination for those actions or inactions
637 of a provider that pose an immediate and serious danger to the
638 health, safety, or welfare of children. The standard statewide
639 contract shall also include appropriate due process procedures.
640 During the pendency of an appeal of a termination, the provider
641 may not continue to offer its services. Any provision imposed
642 upon a provider that is inconsistent with, or prohibited by, law
643 is void and unenforceable. ~~The Office of Early Learning shall~~



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644 ~~administer the operational requirements of the Voluntary~~
 645 ~~Prekindergarten Education Program at the state level.~~

646 (2) The Office of Early Learning shall adopt procedures
 647 governing the administration of the Voluntary Prekindergarten
 648 Education Program by the early learning coalitions and school
 649 districts for:

650 (a) Enrolling children in and determining the eligibility
 651 of children for the Voluntary Prekindergarten Education Program
 652 under s. 1002.53, which shall include the enrollment of children
 653 by public schools and private providers that meet specified
 654 requirements.

655 (d) Determining the eligibility of private prekindergarten
 656 providers to deliver the program under ss. 1002.55 and 1002.61
 657 and streamlining the process of provider eligibility whenever
 658 possible.

659 Section 15. Subsections (1), (2), and (3) of section
 660 1002.77, Florida Statutes, are amended to read:

661 1002.77 Florida Early Learning Advisory Council.—

662 (1) There is created the Florida Early Learning Advisory
 663 Council within the Office of Early Learning. The purpose of the
 664 advisory council is to submit recommendations to the office
 665 ~~department~~ on the early learning best practices ~~policy of this~~
 666 ~~state,~~ including recommendations relating to the most effective
 667 administration of the Voluntary Prekindergarten Education
 668 Program under this part and the school readiness program
 669 ~~programs~~ under part VI of this chapter s. 411.01. The advisory
 670 council shall periodically analyze and provide recommendations
 671 to the office on the effective and efficient use of local,



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672 state, and federal funds; the content of professional
673 development training programs; and best practices for the
674 development and implementation of coalition plans pursuant to s.
675 1002.85.

676 (2) The advisory council shall be composed of the
677 following members:

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

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

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

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

685
686 The chair of the advisory council appointed by the Governor and
687 the members appointed by the presiding officers of the
688 Legislature must be from the business community and be in
689 compliance with s. 1002.83(5) ~~each have a background in early~~
690 ~~learning.~~

691 (3) The advisory council shall meet at least quarterly but
692 may meet as often as necessary to carry out its duties and
693 responsibilities. The advisory council may use any method of
694 telecommunications to conduct meetings, including establishing a
695 quorum through telecommunications, only if the public is given
696 proper notice of a telecommunications meeting and reasonable
697 access to observe and, when appropriate, participate.

698 Section 16. Section 1002.79, Florida Statutes, is amended
699 to read:



700 1002.79 Rulemaking authority.—
701 ~~(1) The State Board of Education shall adopt rules under~~
702 ~~ss. 120.536(1) and 120.54 to administer the provisions of this~~
703 ~~part conferring duties upon the department.~~

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

707 Section 17. Part VI of chapter 1002, Florida Statutes,
708 consisting of sections 1002.81 through 1002.96, is created to
709 read:

710 PART VI

711 SCHOOL READINESS PROGRAM

712 1002.81 Definitions.—Consistent with the requirements of
713 45 C.F.R. parts 98 and 99 and as used in this part, the term:

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

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

718 (b) A child who is in a diversion program provided by the
719 Department of Children and Families or its contracted provider
720 and who is from a family that is actively participating and
721 complying in department-prescribed activities, including
722 education, health services, or work.

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

726 (d) A child placed in court-ordered, long-term custody or
727 under the guardianship of a relative or nonrelative after



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728 termination of supervision by the Department of Children and
729 Families or its contracted provider.

730 (e) A child in the custody of a parent who is a victim of
731 domestic violence residing in a certified domestic violence
732 center.

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

736 (2) "Authorized hours of care" means the hours of care
737 that are necessary to provide protection, maintain employment,
738 or complete work activities or eligible educational activities,
739 including reasonable travel time.

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

743 (4) "Direct enhancement services" means services for
744 families and children that are in addition to payments for the
745 placement of children in the school readiness program. Direct
746 enhancement services for families and children may include
747 supports for providers, parent training and involvement
748 activities, and strategies to meet the needs of unique
749 populations and local eligibility priorities. Direct enhancement
750 services offered by an early learning coalition shall be
751 consistent with the activities prescribed in s. 1002.89(6)(b).

752 (5) "Disenrollment" means the removal either temporary or
753 permanent, of a child from participation in the school readiness
754 program. Removal of a child from the school readiness program
755 may be based on the following events: a reduction in available



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756 school readiness program funding, participant's failure to meet
757 eligibility or program participation requirements, fraud, or a
758 change in local service priorities.

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

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

770 (8) "Family income" means the combined gross income,
771 whether earned or unearned, that is derived from any source by
772 all family or household members who are 18 years of age or older
773 who are currently residing together in the same dwelling unit.
774 The term does not include income earned by a currently enrolled
775 high school student who, since attaining the age of 18 years, or
776 a student with a disability who, since attaining the age of 22
777 years, has not terminated school enrollment or received a high
778 school diploma, high school equivalency diploma, special
779 diploma, or certificate of high school completion. The term also
780 does not include food stamp benefits or federal housing
781 assistance payments issued directly to a landlord or the
782 associated utilities expenses.



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

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

791 (11) "Market rate" means the price that a child care or
 792 early childhood education provider charges for full-time or
 793 part-time daily, weekly, or monthly child care or early
 794 childhood education services.

795 (12) "Office" means the Office of Early Learning of the
 796 Department of Education.

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

800 (14) "Single point of entry" means an integrated
 801 information system that allows a parent to enroll his or her
 802 child in the school readiness program or the Voluntary
 803 Prekindergarten Education Program at various locations
 804 throughout a county, that may allow a parent to enroll his or
 805 her child by telephone or through a website, and that uses a
 806 uniform waiting list to track eligible children waiting for
 807 enrollment in the school readiness program.

808 (15) "Unearned income" means income other than earned
 809 income. The term includes, but is not limited to:

810 (a) Documented alimony and child support received.



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811 (b) Social security benefits.
 812 (c) Supplemental security income benefits.
 813 (d) Workers' compensation benefits.
 814 (e) Reemployment assistance or unemployment compensation
 815 benefits.

816 (f) Veterans' benefits.
 817 (g) Retirement benefits.
 818 (h) Temporary cash assistance under chapter 414.

819 (16) "Working family" means:

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

823 (b) A two-parent family in which both parents with whom
 824 the child resides are employed or engaged in eligible work or
 825 education activities for a combined total of at least 40 hours
 826 per week; or

827 (c) A two-parent family in which one of the parents with
 828 whom the child resides is exempt from work requirements due to
 829 age or disability, as determined and documented by a physician
 830 licensed under chapter 458 or chapter 459, and one parent is
 831 employed or engaged in eligible work or education activities at
 832 least 20 hours per week.

833 1002.82 Office of Early Learning; powers and duties.—

834 (1) For purposes of administration of the Child Care and
 835 Development Block Grant Trust Fund, pursuant to 45 C.F.R. parts
 836 98 and 99, the Office of Early Learning is designated as the
 837 lead agency and must comply with lead agency responsibilities
 838 pursuant to federal law. The office may apply to the Governor



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839 and Cabinet for a waiver of, and the Governor and Cabinet may
840 waive, any provision of ss. 411.223 and 1003.54 if the waiver is
841 necessary for implementation of the school readiness program.
842 Section 125.901(2)(a)3. does not apply to the school readiness
843 program.

844 (2) The office shall:

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

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

855 (c) Be responsible for the prudent use of all public and
856 private funds in accordance with all legal and contractual
857 requirements, safeguarding the effective use of federal, state,
858 and local resources to achieve the highest practicable level of
859 school readiness for the children described in s. 1002.87,
860 including:

861 1. The adoption of a uniform chart of accounts for
862 budgeting and financial reporting purposes that provides
863 standardized definitions for expenditures and reporting,
864 consistent with the requirements of 45 C.F.R. part 98 and s.
865 1002.89 for each of the following categories of expenditure:

866 a. Direct services to children.



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867 b. Administrative costs.

868 c. Quality activities.

869 d. Nondirect services.

870 2. Coordination with other state and federal agencies to
 871 perform data matches on children participating in the school
 872 readiness program and their families in order to verify the
 873 children's eligibility pursuant to s. 1002.87.

874 (d) Establish procedures for the biennial calculation of
 875 the average market rate.

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

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

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

884 a. Statewide data information program requirements that
 885 include:

886 (I) Eligibility requirements.

887 (II) Financial reports.

888 (III) Program accountability measures.

889 (IV) Child progress reports.

890 b. Child care resource and referral services.

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

892 2. May provide technical assistance and guidance on
 893 additional support services to complement the school readiness
 894 program, including:



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- 895 | a. Rating and improvement systems.
- 896 | b. Warm-Line services.
- 897 | c. Anti-fraud plans.
- 898 | d. School readiness program standards.
- 899 | e. Child screening and assessments.
- 900 | f. Training and support for parental involvement in
- 901 | children's early education.
- 902 | g. Family literacy activities and services.
- 903 | (g) Provide technical assistance to early learning
- 904 | coalitions.
- 905 | (h) In cooperation with the early learning coalitions,
- 906 | coordinate with the Child Care Services Program Office of the
- 907 | Department of Children and Families to reduce paperwork and to
- 908 | avoid duplicating interagency activities, health and safety
- 909 | monitoring, and acquiring and composing data pertaining to child
- 910 | care training and credentialing.
- 911 | (i) Develop, in coordination with the Child Care Services
- 912 | Program Office of the Department of Children and Families, and
- 913 | adopt a health and safety checklist to be completed by license-
- 914 | exempt providers that does not exceed the requirements s.
- 915 | 402.305.
- 916 | (j) Develop and adopt standards and benchmarks that
- 917 | address the age-appropriate progress of children in the
- 918 | development of school readiness skills. The standards for
- 919 | children from birth to 5 years of age in the school readiness
- 920 | program must be aligned with the performance standards adopted
- 921 | for children in the Voluntary Prekindergarten Education Program
- 922 | and must address the following domains:



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- 923 1. Approaches to learning.
- 924 2. Cognitive development and general knowledge.
- 925 3. Numeracy, language, and communication.
- 926 4. Physical development.
- 927 5. Self-regulation.
- 928 (k) Select assessments that are valid, reliable, and
929 developmentally appropriate for use as preassessment and
930 postassessment for the age ranges specified in the coalition
931 plans. The assessments must be designed to measure progress in
932 the domains of the performance standards adopted pursuant to
933 paragraph (j), provide appropriate accommodations for children
934 with disabilities and English language learners, and be
935 administered by qualified individuals, consistent with the
936 publisher's instructions.
- 937 (l) Adopt a list of approved curricula that meet the
938 performance standards for the school readiness program and
939 establish a process for the review and approval of a provider's
940 curriculum that meets the performance standards.
- 941 (m) Adopt by rule a standard statewide provider contract
942 to be used with each school readiness program provider, with
943 standardized attachments by provider type. The office shall
944 publish a copy of the standard statewide provider contract on
945 its website. The standard statewide contract shall include, at a
946 minimum, provisions for provider probation, termination for
947 cause, and emergency termination for those actions or inactions
948 of a provider that pose an immediate and serious danger to the
949 health, safety, or welfare of the children. The standard
950 statewide provider contract shall also include appropriate due



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951 process procedures. During the pendency of an appeal of a
952 termination, the provider may not continue to offer its
953 services. Any provision imposed upon a provider that is
954 inconsistent with, or prohibited by, law is void and
955 unenforceable.

956 (n) Establish a single statewide information system that
957 each coalition must use for the purposes of managing the single
958 point of entry, tracking children's progress, coordinating
959 services among stakeholders, determining eligibility of
960 children, tracking child attendance, and streamlining
961 administrative processes for providers and early learning
962 coalitions.

963 (o) Adopt by rule standardized procedures for coalitions
964 to use when monitoring the compliance of school readiness
965 program providers with the terms of the standard statewide
966 provider contract.

967 (p) Monitor and evaluate the performance of each early
968 learning coalition in administering the school readiness
969 program, ensuring proper payments for school readiness program
970 services, implementing the coalition's school readiness program
971 plan, and administering the Voluntary Prekindergarten Education
972 Program. These monitoring and performance evaluations must
973 include, at a minimum, onsite monitoring of each coalition's
974 finances, management, operations, and programs.

975 (q) Work in conjunction with the Bureau of Federal
976 Education Programs within the Department of Education to
977 coordinate readiness and voluntary prekindergarten services to
978 the populations served by the bureau.



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979 (r) Administer a statewide toll-free Warm-Line to provide
980 assistance and consultation to child care facilities and family
981 day care homes regarding health, developmental, disability, and
982 special needs issues of the children they are serving,
983 particularly children with disabilities and other special needs.

984 The office shall:

985 1. Annually inform child care facilities and family day
986 care homes of the availability of this service through the child
987 care resource and referral network under s. 1002.92.

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

991 (3) If the office determines during the review of school
992 readiness program plans, or through monitoring and performance
993 evaluations conducted under s. 1002.85, that an early learning
994 coalition has not substantially implemented its plan, has not
995 substantially met the performance standards and outcome measures
996 adopted by the office, or has not effectively administered the
997 school readiness program or Voluntary Prekindergarten Education
998 Program, the office may temporarily contract with a qualified
999 entity to continue school readiness program and prekindergarten
1000 services in the coalition's county or multicounty region until
1001 the office reestablishes the coalition and a new school
1002 readiness program plan is approved in accordance with the rules
1003 adopted by the office.

1004 (4) The office may request the Governor to apply for a
1005 waiver to allow a coalition to administer the Head Start Program
1006 to accomplish the purposes of the school readiness program.



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1007 (5) By January 1 of each year, the office shall annually
1008 publish on its website a report of its activities conducted
1009 under this section. The report must include a summary of the
1010 coalitions' annual reports, a statewide summary, and the
1011 following:

1012 (a) An analysis of early learning activities throughout
1013 the state, including the school readiness program and the
1014 Voluntary Prekindergarten Education Program.

1015 1. The total and average number of children served in the
1016 school readiness program, enumerated by age, eligibility
1017 priority category, and coalition, and the total number of
1018 children served in the Voluntary Prekindergarten Education
1019 Program.

1020 2. A summary of expenditures by coalition, by fund source,
1021 including a breakdown by coalition of the percentage of
1022 expenditures for administrative activities, quality activities,
1023 nondirect services, and direct services for children.

1024 3. A description of the office's and each coalition's
1025 expenditures by fund source for the quality and enhancement
1026 activities described in s. 1002.89(6)(b).

1027 4. A summary of annual findings and collections related to
1028 provider fraud and parent fraud.

1029 5. Data regarding the coalitions' delivery of early
1030 learning programs.

1031 6. The total number of children disenrolled statewide and
1032 the reason for disenrollment.

1033 7. The total number of providers by provider type.

1034 8. The total number of provider contracts revoked and the



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1035 reasons for revocation.

1036 (b) A summary of the activities and detailed expenditures
 1037 related to the Child Care Executive Partnership Program.

1038 (6) (a) Parental choice of child care providers, including
 1039 private and faith-based providers, shall be established to the
 1040 maximum extent practicable in accordance with 45 C.F.R. s.
 1041 98.30.

1042 (b) As used in this subsection, the term "payment
 1043 certificate" means a child care certificate as defined in 45
 1044 C.F.R. s. 98.2.

1045 (c) The school readiness program shall, in accordance with
 1046 45 C.F.R. s. 98.30, provide parental choice through a payment
 1047 certificate that provides, to the maximum extent possible,
 1048 flexibility in the school readiness program and payment
 1049 arrangements. The payment certificate must bear the names of the
 1050 beneficiary and the program provider and, when redeemed, must
 1051 bear the signatures of both the beneficiary and an authorized
 1052 representative of the provider.

1053 (d) If it is determined that a provider has given any cash
 1054 or other consideration to the beneficiary in return for
 1055 receiving a payment certificate, the early learning coalition or
 1056 its fiscal agent shall refer the matter to the Department of
 1057 Financial Services pursuant to s. 414.411 for investigation.

1058 (7) Participation in the school readiness program does not
 1059 expand the regulatory authority of the state, its officers, or
 1060 an early learning coalition to impose any additional regulation
 1061 on providers beyond those necessary to enforce the requirements
 1062 set forth in this part and part V of this chapter.



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- 1063 1002.83 Early learning coalitions.—
- 1064 (1) Thirty-one or fewer early learning coalitions are
1065 established and shall maintain direct enhancement services at
1066 the local level and provide access to such services in all 67
1067 counties. Two or more early learning coalitions may join for
1068 purposes of planning and implementing a school readiness program
1069 and the Voluntary Prekindergarten Education Program.
- 1070 (2) Each early learning coalition shall be composed of at
1071 least 15 members but not more than 30 members.
- 1072 (3) The Governor shall appoint the chair and two other
1073 members of each early learning coalition, who must each meet the
1074 same qualifications as private sector business members appointed
1075 by the coalition under subsection (5).
- 1076 (4) Each early learning coalition must include the
1077 following member positions; however, in a multicounty coalition,
1078 each ex officio member position may be filled by multiple
1079 nonvoting members but no more than one voting member shall be
1080 seated per member position. If an early learning coalition has
1081 more than one member representing the same entity, only one of
1082 such members may serve as a voting member:
- 1083 (a) A Department of Children and Families regional
1084 administrator or his or her permanent designee who is authorized
1085 to make decisions on behalf of the department.
- 1086 (b) A district superintendent of schools or his or her
1087 permanent designee who is authorized to make decisions on behalf
1088 of the district.
- 1089 (c) A regional workforce board executive director or his
1090 or her permanent designee.



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- 1091 (d) A county health department director or his or her
- 1092 designee.
- 1093 (e) A children's services council or juvenile welfare
- 1094 board chair or executive director, if applicable.
- 1095 (f) An agency head of a local licensing agency as defined
- 1096 in s. 402.302, where applicable.
- 1097 (g) A president of a Florida College System institution or
- 1098 his or her permanent designee.
- 1099 (h) One member appointed by a board of county
- 1100 commissioners or the governing board of a municipality.
- 1101 (i) A Head Start director.
- 1102 (j) A representative of private for-profit child care
- 1103 providers, including private for-profit family day care homes.
- 1104 (k) A representative of faith-based child care providers.
- 1105 (l) A representative of programs for children with
- 1106 disabilities under the federal Individuals with Disabilities
- 1107 Education Act.
- 1108 (m) A central agency administrator, where applicable.
- 1109 (5) Including the members appointed by the Governor under
- 1110 subsection (3), more than one-third of the members of each early
- 1111 learning coalition must be private sector business members,
- 1112 either for-profit or nonprofit, who do not have, and none of
- 1113 whose relatives as defined in s. 112.3143 has, a substantial
- 1114 financial interest in the design or delivery of the Voluntary
- 1115 Prekindergarten Education Program created under part V of this
- 1116 chapter or the school readiness program. To meet this
- 1117 requirement an early learning coalition must appoint additional
- 1118 members. The office shall establish criteria for appointing



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1119 private sector business members. These criteria must include
 1120 standards for determining whether a member or relative has a
 1121 substantial financial interest in the design or delivery of the
 1122 Voluntary Prekindergarten Education Program or the school
 1123 readiness program.

1124 (6) A majority of the voting membership of an early
 1125 learning coalition constitutes a quorum required to conduct the
 1126 business of the coalition. An early learning coalition may use
 1127 any method of telecommunications to conduct meetings, including
 1128 establishing a quorum through telecommunications, provided that
 1129 the public is given proper notice of a telecommunications
 1130 meeting and reasonable access to observe and, when appropriate,
 1131 participate.

1132 (7) A voting member of an early learning coalition may not
 1133 appoint a designee to act in his or her place, except as
 1134 otherwise provided in this subsection. A voting member may send
 1135 a representative to coalition meetings but that representative
 1136 does not have voting privileges. When a regional administrator
 1137 for the Department of Children and Families appoints a designee
 1138 to an early learning coalition, the designee is the voting
 1139 member of the coalition, and any individual attending in the
 1140 designee's place, including the district administrator, does not
 1141 have voting privileges.

1142 (8) Each member of an early learning coalition is subject
 1143 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
 1144 112.3143(3)(a), each voting member is a local public officer who
 1145 must abstain from voting when a voting conflict exists.



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1146 (9) For purposes of tort liability, each member or
1147 employee of an early learning coalition shall be governed by s.
1148 768.28.

1149 (10) An early learning coalition serving a multicounty
1150 region must include representation from each county.

1151 (11) Each early learning coalition shall establish terms
1152 for all appointed members of the coalition. The terms must be
1153 staggered and must be a uniform length that does not exceed 4
1154 years per term. Coalition chairs shall be appointed for 4 years
1155 in conjunction with their membership on the Early Learning
1156 Advisory Council pursuant to s. 20.052. Appointed members may
1157 serve a maximum of two consecutive terms. When a vacancy occurs
1158 in an appointed position, the coalition must advertise the
1159 vacancy.

1160 (12) State, federal, and local matching funds provided to
1161 the early learning coalitions may not be used directly or
1162 indirectly to pay for meals, food, or beverages for coalition
1163 members, coalition employees, or for subcontractor employees.
1164 Preapproved, reasonable, and necessary per diem allowances and
1165 travel expenses may be reimbursed. Such reimbursement shall be
1166 at the standard travel reimbursement rates established in s.
1167 112.061 and must comply with applicable federal and state
1168 requirements.

1169 (13) Each early learning coalition shall use a coordinated
1170 professional development system that supports the achievement
1171 and maintenance of core competencies by school readiness program
1172 teachers in helping children attain the performance standards
1173 adopted by the office.



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1174 (14) Each school district shall, upon request of the
 1175 coalition, make a list of all individuals currently eligible to
 1176 act as a substitute teacher within the school district, pursuant
 1177 to rules adopted by the school district pursuant to s. 1012.35,
 1178 available to an early learning coalition serving students within
 1179 the school district. Child care facilities as defined in 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 1002.84 Early learning coalitions; school readiness powers
 1185 and duties.—Each early learning coalition shall:

1186 (1) Administer and implement a local comprehensive program
 1187 of school readiness program services in accordance with this
 1188 part and the rules adopted by the office, which enhances the
 1189 cognitive, social, and physical development of children to
 1190 achieve the performance standards.

1191 (2) Establish a uniform waiting list to track eligible
 1192 children waiting for enrollment in the school readiness program
 1193 in accordance with rules adopted by the office.

1194 (3) Establish a resource and referral network operating
 1195 under 1002.92 to assist parents in making an informed choice and
 1196 provide maximum parental choice of providers and to provide
 1197 information on available community resources.

1198 (4) Establish a regional Warm-Line as directed by the
 1199 office pursuant to s. 1002.82(2)(r). Regional Warm-Line staff
 1200 shall provide onsite technical assistance, when requested, to
 1201 assist child care facilities and family day care homes with



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1202 inquiries relating to the strategies, curriculum, and
 1203 environmental adaptations the child care facilities and family
 1204 day care homes may need as they serve children with disabilities
 1205 and other special needs.

1206 (5) Establish an age-appropriate screening, for children
 1207 ages birth to 5 years, of each child's development and an
 1208 appropriate referral process for children with identified
 1209 delays. Such screening shall not be a requirement of entry into
 1210 the school readiness program and shall be only given with
 1211 parental consent.

1212 (6) Implement an age-appropriate preassessment and
 1213 postassessment of children if specified in the coalition's
 1214 approved plan.

1215 (7) Determine child eligibility pursuant to s. 1002.87 and
 1216 provider eligibility pursuant to s. 1002.88. At a minimum, child
 1217 eligibility must be redetermined annually. Redetermination must
 1218 also be conducted twice per year for an additional 50 percent of
 1219 a coalition's enrollment through a statistically valid random
 1220 sampling. A coalition must document the reason why a child is no
 1221 longer eligible for the school readiness program according to
 1222 the standard codes prescribed by the office.

1223 (8) Establish a parent sliding fee scale that requires a
 1224 parent copayment to participate in the school readiness program.
 1225 Providers are required to collect the parent's copayment. A
 1226 coalition may, on a case-by-case basis, waive the copayment for
 1227 an at-risk child or temporarily waive the copayment for a child
 1228 whose family experiences a natural disaster or an event that
 1229 limits the parent's ability to pay, such as incarceration,



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1230 placement in residential treatment, or becoming homeless, or an
 1231 emergency situation such as a household fire or burglary, or
 1232 while the parent is participating in parenting classes. A parent
 1233 may not transfer school readiness program services to another
 1234 school readiness program provider until the parent has submitted
 1235 documentation from the current school readiness program provider
 1236 to the early learning coalition stating that the parent has
 1237 satisfactorily fulfilled the copayment obligation.

1238 (9) Establish proper maintenance of records related to
 1239 eligibility and enrollment files, provider payments, coalition
 1240 staff background screenings, and other documents required for
 1241 the implementation of the school readiness program.

1242 (10) Establish a records retention requirement for sign-in
 1243 and sign-out records that is consistent with state and federal
 1244 law. Attendance records may not be altered or amended after
 1245 December 31 of the subsequent year.

1246 (11) Follow the tangible personal property requirements of
 1247 chapter 274 and rules adopted under that chapter.

1248 (12) Comply with federal procurement requirements and the
 1249 procurement requirements of ss. 215.971, 287.057, and 287.058,
 1250 except that an early learning coalition is not required to
 1251 competitively procure direct services for school readiness
 1252 program and Voluntary Prekindergarten Education Program
 1253 providers.

1254 (13) Establish proper information technology security
 1255 controls, including, but not limited to, periodically reviewing
 1256 the appropriateness of access privileges assigned to users of
 1257 certain systems; monitoring system hardware performance and



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1258 capacity-related issues; and ensuring appropriate backup
 1259 procedures and disaster recovery plans are in place.

1260 (14) Develop written policies, procedures, and standards
 1261 for monitoring vendor contracts, including, but not limited to,
 1262 provisions specifying the particular procedures that may be used
 1263 to evaluate contractor performance and the documentation that is
 1264 to be maintained to serve as a record of contractor performance.
 1265 This subsection does not apply to contracts with school
 1266 readiness program providers or Voluntary Prekindergarten
 1267 Education Program providers.

1268 (15) Monitor school readiness program providers in
 1269 accordance with its plan, or in response to a parental
 1270 complaint, to verify that the standards prescribed in ss.
 1271 1002.82 and 1002.88 are being met using a standard monitoring
 1272 tool adopted by the office. Providers determined to be high-risk
 1273 by the coalition, as demonstrated by substantial findings of
 1274 violations of federal law or the general or local laws of the
 1275 state, shall be monitored more frequently. Providers with 3
 1276 consecutive years of compliance may be monitored biennially.

1277 (16) Adopt a payment schedule that encompasses all
 1278 programs funded under this part and part V of this chapter. The
 1279 payment schedule must take into consideration the average market
 1280 rate, include the projected number of children to be served, and
 1281 be submitted for approval by the office. Informal child care
 1282 arrangements shall be reimbursed at not more than 50 percent of
 1283 the rate adopted for a family day care home.

1284 (17) Implement an anti-fraud plan addressing the
 1285 detection, reporting, and prevention of overpayments, abuse, and



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1286 fraud relating to the provision of and payment for school
1287 readiness program and Voluntary Prekindergarten Education
1288 Program services and submit the plan to the office for approval,
1289 as required by s. 1002.91.

1290 (18) By October 1 of each year, submit an annual report to
1291 the office. The report shall conform to the format adopted by
1292 the office and must include:

1293 (a) Segregation of school readiness program funds,
1294 Voluntary Prekindergarten Education Program funds, Child Care
1295 Executive Partnership Program funds, and other local revenues
1296 available to the coalition.

1297 (b) Details of expenditures by fund source, including
1298 total expenditures for administrative activities, quality
1299 activities, nondirect services, and direct services for
1300 children.

1301 (c) The total number of coalition staff and the related
1302 expenditures for salaries and benefits. For any subcontracts,
1303 the total number of contracted staff and the related
1304 expenditures for salaries and benefits must be included.

1305 (d) The number of children served in the school readiness
1306 program, by provider type, enumerated by age and eligibility
1307 priority category, reported as the number of children served
1308 during the month, the average participation throughout the
1309 month, and the number of children served during the month.

1310 (e) The total number of children disenrolled during the
1311 year and the reasons for disenrollment.

1312 (f) The total number of providers by provider type.

1313 (g) A listing of any school readiness program provider, by



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1314 type, whose eligibility to deliver the school readiness program
1315 is revoked, including a brief description of the state or
1316 federal violation that resulted in the revocation.

1317 (h) An evaluation of its direct enhancement services.

1318 (i) The total number of children served in each provider
1319 facility.

1320 (19) Maintain its administrative staff at the minimum
1321 necessary to administer the duties of the early learning
1322 coalition.

1323 (20) To increase transparency and accountability, comply
1324 with the requirements of this section before contracting with a
1325 member of the coalition or a relative, as defined in s.
1326 112.3143(1)(b), of a coalition member or of an employee of the
1327 coalition. Such contracts may not be executed without the
1328 approval of the office. Such contracts, as well as documentation
1329 demonstrating adherence to this section by the coalition, must
1330 be approved by a two-thirds vote of the coalition, a quorum
1331 having been established; all conflicts of interest must be
1332 disclosed before the vote; and any member who may benefit from
1333 the contract, or whose relative may benefit from the contract,
1334 must abstain from the vote. A contract under \$25,000 between an
1335 early learning coalition and a member of that coalition or
1336 between a relative, as defined in s. 112.3143(1)(b), of a
1337 coalition member or of an employee of the coalition is not
1338 required to have the prior approval of the office but must be
1339 approved by a two-thirds vote of the coalition, a quorum having
1340 been established, and must be reported to the office within 30
1341 days after approval. If a contract cannot be approved by the



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1342 office, a review of the decision to disapprove the contract may
1343 be requested by the early learning coalition or other parties to
1344 the disapproved contract.

1345 1002.85 Early learning coalition plans.—

1346 (1) The office shall adopt rules prescribing the
1347 standardized format and required content of school readiness
1348 program plans as necessary for a coalition or other qualified
1349 entity to administer the school readiness program as provided in
1350 this part.

1351 (2) Each early learning coalition must biennially submit a
1352 school readiness program plan to the office before the
1353 expenditure of funds. A coalition may not implement its school
1354 readiness program plan until it receives approval from the
1355 office. A coalition may not implement any revision to its school
1356 readiness program plan until the coalition submits the revised
1357 plan to and receives approval from the office. If the office
1358 rejects a plan or revision, the coalition must continue to
1359 operate under its previously approved plan. The plan must
1360 include, but is not limited to:

1361 (a) The coalition's operations, including its membership
1362 and business organization, and the coalition's articles of
1363 incorporation and bylaws if the coalition is organized as a
1364 corporation. If the coalition is not organized as a corporation
1365 or other business entity, the plan must include the contract
1366 with a fiscal agent.

1367 (b) The minimum number of children to be served by care
1368 level.

1369 (c) The coalition's procedures for implementing the



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1370 requirements of this part, including:

1371 1. Single point of entry.

1372 2. Uniform waiting list.

1373 4. Eligibility and enrollment processes.

1374 5. Parent access and choice.

1375 6. Sliding fee scale and policies on applying the waiver or

1376 reduction of fees in accordance with 1002.84(8).

1377 7. Use of preassessments and postassessments, as

1378 applicable.

1379 8. Payment rate.

1380 (d) A detailed description of the coalition's quality

1381 activities and services, including:

1382 1. Resource and referral and school-age child care.

1383 2. Infant and toddler early learning.

1384 3. Inclusive early learning programs.

1385 (e) A detailed budget that outlines estimated expenditures

1386 for state, federal, and local matching funds at the lowest level

1387 of detail available by other-cost-accumulator code number; all

1388 estimated sources of revenue with identifiable descriptions; a

1389 listing of full-time equivalent positions; contracted

1390 subcontractor costs with related annual compensation amount or

1391 hourly rate of compensation; and a capital improvements plan

1392 outlining existing fixed capital outlay projects and proposed

1393 capital outlay projects that will begin during the budget year.

1394 (f) A detailed accounting, in the format prescribed by the

1395 office, of all revenues and expenditures during the previous

1396 state fiscal year. Revenue sources should be identifiable and

1397 expenditures should be reported by three categories: state and



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1398 federal funds, local matching funds, and Child Care Executive
 1399 Partnership Program funds.

1400 (g) Updated policies and procedures, including those
 1401 governing procurement, maintenance of tangible personal
 1402 property, maintenance of records, information technology
 1403 security, and disbursement controls.

1404 (h) A description of the procedures for monitoring school
 1405 readiness program providers, including in response to a parental
 1406 complaint, to determine that the standards prescribed in ss.
 1407 1002.82 and 1002.88 are met using a standard monitoring tool
 1408 adopted by the office. Providers determined to be high risk by
 1409 the coalition as demonstrated by substantial findings of
 1410 violations of law shall be monitored more frequently.

1411 (i) Documentation that the coalition has solicited and
 1412 considered comments regarding the proposed school readiness
 1413 program plan from the local community.

1414 (3) The coalition may periodically amend its plan as
 1415 necessary. An amended plan must be submitted to and approved by
 1416 the office before any expenditures are incurred on the new
 1417 activities proposed in the amendment.

1418 (4) The office shall publish a copy of the standardized
 1419 format and required content of school readiness program plans on
 1420 its website.

1421 (5) The office shall collect and report data on coalition
 1422 delivery of early learning programs. Elements shall include, but
 1423 are not limited to, measures related to progress towards
 1424 reducing the number of children on the waitlist, the percentage
 1425 of children served by the program as compared to the number of



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1426 administrative staff and overhead, the percentage of children
1427 served compared to total number of children under the age of 5
1428 years below 150 percent of the federal poverty level, provider
1429 payment processes, fraud intervention, child attendance and
1430 stability, use of child care resource and referral, and
1431 kindergarten readiness outcomes for children in the Voluntary
1432 Prekindergarten Education Program or the school readiness
1433 program upon entry into kindergarten. The office shall request
1434 input from the coalitions and school readiness program providers
1435 before finalizing the format and data to be used. The report
1436 shall be implemented beginning July 1, 2014, and results of the
1437 report must be included in the annual report under s. 1002.82.

1438 1002.86 School readiness program; education component.—The
1439 education component of the school readiness program should be
1440 developmentally appropriate and based on research, involve the
1441 parent as the child's first teacher, serve as a preventive
1442 measure for children at risk of future school failure, and
1443 enhance the educational readiness of eligible children. The
1444 school readiness program should be of assistance to parents in
1445 preparing their at-risk children for educational success,
1446 including, as appropriate, health screening and referral.

1447 1002.87 School readiness program; eligibility and
1448 enrollment.—

1449 (1) Effective August 1, 2013, or upon reevaluation of
1450 eligibility for children currently served, whichever is later,
1451 each early learning coalition shall give priority for
1452 participation in the school readiness program as follows:

1453 (a) Priority shall be given first to a child younger than



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1454 13 years of age from a family that includes a parent who is
1455 receiving temporary cash assistance under chapter 414 and
1456 subject to the federal work requirements.

1457 (b) Priority shall be given next to an at-risk child
1458 younger than 9 years of age.

1459 (c) Priority shall be given next to a child from birth to
1460 the beginning of the school year for which the child is eligible
1461 for admission to kindergarten in a public school under s.
1462 1003.21(1)(a)2. who is from a working family that is
1463 economically disadvantaged, and may include such child's
1464 eligible siblings, beginning with the school year in which the
1465 sibling is eligible for admission to kindergarten in a public
1466 school under s. 1003.21(1)(a)2. until the beginning of the
1467 school year in which the sibling is eligible to begin 6th grade,
1468 provided that the first priority for funding an eligible sibling
1469 is local revenues available to the coalition for funding direct
1470 services. However, a child eligible under this paragraph ceases
1471 to be eligible if his or her family income exceeds 200 percent
1472 of the federal poverty level.

1473 (d) Priority shall be given next to a child of a parent
1474 who transitions from the work program into employment as
1475 described in s. 445.032 from birth to the beginning of the
1476 school year for which the child is eligible for admission to
1477 kindergarten in a public school under s. 1003.21(1)(a)2.

1478 (e) Priority shall be given next to an at-risk child who
1479 is at least 9 years of age but younger than 13 years of age. An
1480 at-risk child whose sibling is enrolled in the school readiness
1481 program within an eligibility priority category listed in



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1482 paragraphs (a)-(c) shall be given priority over other children
 1483 who are eligible under this paragraph.

1484 (f) Priority shall be given next to a child who is younger
 1485 than 13 years of age from a working family that is economically
 1486 disadvantaged. A child who is eligible under this paragraph
 1487 whose sibling is enrolled in the school readiness program under
 1488 paragraph (c) shall be given priority over other children who
 1489 are eligible under this paragraph. However, a child eligible
 1490 under this paragraph ceases to be eligible if his or her family
 1491 income exceeds 200 percent of the federal poverty level.

1492 (g) Priority shall be given next to a child of a parent
 1493 who transitions from the work program into employment as
 1494 described in s. 445.032 who is younger than 13 years of age.

1495 (h) Priority shall be given next to a child who has
 1496 special needs, has been determined eligible as a student with a
 1497 disability, has a current individual education plan with a
 1498 Florida school district, and is not younger than 3 years of age.
 1499 A special needs child eligible under this paragraph remains
 1500 eligible until the child is eligible for admission to
 1501 kindergarten in a public school under s. 1003.21(1)(a)2.

1502 (i) Notwithstanding paragraphs (a)-(d), priority shall be
 1503 given last to a child who otherwise meets one of the eligibility
 1504 criteria in paragraphs (a)-(d) but who is also enrolled
 1505 concurrently in the federal Head Start Program and the Voluntary
 1506 Prekindergarten Education Program.

1507 (2) A school readiness program provider may be paid only
 1508 for authorized hours of care provided for a child in the school
 1509 readiness program. A child enrolled in the Voluntary



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1510 Prekindergarten Education Program may receive care from the
1511 school readiness program if the child is eligible according to
1512 the eligibility priorities in this section.

1513 (3) Contingent upon the availability of funds, a coalition
1514 shall enroll eligible children, including those from its waiting
1515 list, according to the eligibility priorities in this section.

1516 (4) The parent of a child enrolled in the school readiness
1517 program must notify the coalition or its designee within 10 days
1518 after any change in employment, income, or family size. Upon
1519 notification by the parent, the child's eligibility must be
1520 reevaluated.

1521 (5) A child whose eligibility priority category requires
1522 the child to be from a working family ceases to be eligible for
1523 the school readiness program if a parent with whom the child
1524 resides does not reestablish employment within 60 days after
1525 becoming unemployed.

1526 (6) Eligibility for each child must be reevaluated
1527 annually. Upon reevaluation, a child may not continue to receive
1528 school readiness program services if he or she has ceased to be
1529 eligible under this section.

1530 (7) If a coalition disenrolls children from the school
1531 readiness program, the coalition must disenroll the children in
1532 reverse order of the eligibility priorities listed in subsection
1533 (1) beginning with children from families with the highest
1534 family incomes. A notice of disenrollment must be sent to the
1535 parent and school readiness program provider at least 2 weeks
1536 before disenrollment to provide adequate time for the parent to
1537 arrange alternative care for the child. However, an at-risk



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1538 child may not be disenrolled from the program without the
 1539 written approval of the Child Welfare Program Office of the
 1540 Department of Children and Families or the community-based lead
 1541 agency.

1542 (8) If a child is absent from the program for 5
 1543 consecutive days without parental notification to the program of
 1544 such absence, the school readiness program provider shall report
 1545 the absence to the early learning coalition for a determination
 1546 of the need for continued care.

1547 (9) Notwithstanding s. 39.604, a school readiness program
 1548 provider, regardless of whether the provider is licensed, shall
 1549 comply with the reporting requirements of the Rilya Wilson Act
 1550 for each at-risk child under the age of school entry who is
 1551 enrolled in the school readiness program.

1552 1002.88 School readiness program provider standards;
 1553 eligibility to deliver the school readiness program.-

1554 (1) To be eligible to deliver the school readiness
 1555 program, a school readiness program provider must:

1556 (a) Be a child care facility licensed under s. 402.305, a
 1557 family day care home licensed or registered under s. 402.313, a
 1558 large family child care home licensed under s. 402.3131, a
 1559 public school or nonpublic school exempt from licensure under s.
 1560 402.3025, a faith-based child care provider exempt from
 1561 licensure under s. 402.316, a before-school or after-school
 1562 program described in s. 402.305(1)(c), or an informal child care
 1563 provider to the extent authorized in the state's Child Care and
 1564 Development Fund Plan as approved by the United States
 1565 Department of Health and Human Services pursuant to 45 C.F.R. s.



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1566 98.18.
1567 (b) Provide instruction and activities to enhance the age-
1568 appropriate progress of each child in attaining the child
1569 development standards adopted by the office pursuant to s.
1570 1002.82(2)(j). A provider should include activities to foster
1571 brain development in infants and toddlers; provide an
1572 environment that is rich in language and music and filled with
1573 objects of various colors, shapes, textures, and sizes to
1574 stimulate visual, tactile, auditory, and linguistic senses; and
1575 include 30 minutes of reading to children each day.
1576 (c) Provide basic health and safety of its premises and
1577 facilities and compliance with requirements for age-appropriate
1578 immunizations of children enrolled in the school readiness
1579 program. For a child care facility, a large family child care
1580 home, or a licensed family day care home, compliance with s.
1581 402.305, s. 402.3131, or s. 402.313 satisfies this requirement.
1582 For a public or nonpublic school, compliance with s. 402.3025 or
1583 s. 1003.22 satisfies this requirement. A faith-based child care
1584 provider, an informal child care provider, or a nonpublic
1585 school, exempt from licensure under ss. 402.316 or 402.3025,
1586 shall annually complete the health and safety checklist adopted
1587 by the office, post the checklist prominently on its premises in
1588 plain sight for visitors and parents, and submit it annually to
1589 its local early learning coalition.
1590 (d) Provide an appropriate staff-to-children ratio,
1591 pursuant to s. 402.305(4) or s. 402.302(8) or (11), as
1592 applicable, and as verified pursuant to s. 402.311.



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1593 (e) Provide a healthy and safe environment pursuant to s.
1594 402.305(5), (6), and (7), as applicable, and as verified
1595 pursuant to s. 402.311.

1596 (f) Implement one of the curricula approved by the office
1597 that meets the child development standards.

1598 (g) Implement a character development program to develop
1599 basic values.

1600 (h) Collaborate with the respective early learning
1601 coalition to complete initial screening for each child, aged 6
1602 weeks to kindergarten eligibility, within 45 days after the
1603 child's first or subsequent enrollment, to identify a child who
1604 may need individualized supports.

1605 (i) Implement minimum standards for child discipline
1606 practices that are age-appropriate and consistent with the
1607 requirements in s. 402.305(12). Such standards must provide that
1608 children not be subjected to discipline that is severe,
1609 humiliating, or frightening or discipline that is associated
1610 with food, rest, or toileting. Spanking or any other form of
1611 physical punishment is prohibited.

1612 (j) Obtain and keep on file record of the child's
1613 immunizations, physical development, and other health
1614 requirements as necessary, including appropriate vision and
1615 hearing screening and examination, within 30 days after
1616 enrollment.

1617 (k) Implement before-school or after-school programs that
1618 meet or exceed the requirements of s. 402.305(5), (6), and (7).

1619 (l) For a provider that is not an informal provider,
1620 maintain general liability insurance and provide the coalition



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1621 with written evidence of general liability insurance coverage,
1622 including coverage for transportation of children if school
1623 readiness program children are transported by the provider. A
1624 provider must obtain and retain an insurance policy that
1625 provides a minimum of \$100,000 of coverage per occurrence and a
1626 minimum of \$300,000 general aggregate coverage. The office may
1627 authorize lower limits upon request, as appropriate. A provider
1628 must add the coalition as a named certificateholder and as an
1629 additional insured. A provider must provide the coalition with a
1630 minimum of 10 calendar days' advance written notice of
1631 cancellation of or changes to coverage. The general liability
1632 insurance required by this paragraph must remain in full force
1633 and effect for the entire period of the provider contract with
1634 the coalition.

1635 (m) For a provider that is an informal provider, comply
1636 with the provisions of paragraph (l) or maintain homeowner's
1637 liability insurance and, if applicable, a business rider. If an
1638 informal provider chooses to maintain a homeowner's policy, the
1639 provider must obtain and retain a homeowner's insurance policy
1640 that provides a minimum of \$100,000 of coverage per occurrence
1641 and a minimum of \$300,000 general aggregate coverage. The office
1642 may authorize lower limits upon request, as appropriate. An
1643 informal provider must add the coalition as a named
1644 certificateholder and as an additional insured. An informal
1645 provider must provide the coalition with a minimum of 10
1646 calendar days' advance written notice of cancellation of or
1647 changes to coverage. The general liability insurance required by
1648 this paragraph must remain in full force and effect for the



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1649 entire period of the provider's contract with the coalition.

1650 (n) Obtain and maintain any required workers' compensation

1651 insurance under chapter 440 and any required reemployment

1652 assistance or unemployment compensation coverage under chapter

1653 443.

1654 (o) Notwithstanding paragraph (l), for a provider that is

1655 a state agency or a subdivision thereof, as defined in s.

1656 768.28(2), agree to notify the coalition of any additional

1657 liability coverage maintained by the provider in addition to

1658 that otherwise established under s. 768.28. The provider shall

1659 indemnify the coalition to the extent permitted by s. 768.28.

1660 (p) Execute the standard statewide provider contract

1661 adopted by the office.

1662 (q) Operate on a full-time and part-time basis and provide

1663 extended-day and extended-year services to the maximum extent

1664 possible without compromising the quality of the program to meet

1665 the needs of parents who work.

1666 (2) If a school readiness program provider fails or

1667 refuses to comply with this part or any contractual obligation

1668 of the statewide provider contract under s. 1002.82(2)(m), the

1669 coalition may revoke the provider's eligibility to deliver the

1670 school readiness program or receive state or federal funds under

1671 this chapter for a period of 5 years.

1672 (3) The office and the coalitions may not:

1673 (a) Impose any requirement on a child care provider or

1674 early childhood education provider that does not deliver

1675 services under the school readiness program or receive state or

1676 federal funds under this part;



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1677 (b) Impose any requirement on a school readiness program
 1678 provider that exceeds the authority provided under this part or
 1679 part V of this chapter or rules adopted pursuant to this part or
 1680 part V of this chapter; or

1681 (c) Require a provider to administer a preassessment or
 1682 postassessment.

1683 1002.89 School readiness program; funding.—

1684 (1) Funding for the school readiness program shall be
 1685 allocated among the early learning coalitions in accordance with
 1686 this section and the General Appropriations Act.

1687 (2) The office shall administer school readiness program
 1688 funds and prepare and submit a unified budget request for the
 1689 school readiness program in accordance with chapter 216.

1690 (3) All instructions to early learning coalitions for
 1691 administering this section shall emanate from the office in
 1692 accordance with the policies of the Legislature.

1693 (4) All cost savings and all revenues received through a
 1694 mandatory sliding fee scale shall be used to increase the number
 1695 of children served.

1696 (5) All state, federal, and local matching funds provided
 1697 to an early learning coalition for purposes of this section
 1698 shall be used for implementation of its approved school
 1699 readiness program plan, including the hiring of staff to
 1700 effectively operate the school readiness program.

1701 (6) Costs shall be kept to the minimum necessary for the
 1702 efficient and effective administration of the school readiness
 1703 program with the highest priority of expenditure being direct
 1704 services for eligible children. However, no more than 5 percent



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1705 of the funds described in subsection (5) may be used for
1706 administrative costs and no more than 22 percent of the funds
1707 described in subsection (5) may be used in any fiscal year for
1708 any combination of administrative costs, quality activities, and
1709 nondirect services as follows:

1710 (a) Administrative costs as described in 45 C.F.R. s.
1711 98.52, which shall include monitoring providers using the
1712 standard methodology adopted under s. 1002.82 to improve
1713 compliance with state and federal regulations and law pursuant
1714 to the requirements of the statewide provider contract adopted
1715 under s. 1002.82 (2) (m).

1716 (b) Activities to improve the quality of child care as
1717 described in 45 C.F.R. s. 98.51, which shall be limited to the
1718 following:

1719 1. Developing, establishing, expanding, operating, and
1720 coordinating resource and referral programs specifically related
1721 to the provision of comprehensive consumer education to parents
1722 and the public regarding participation in the school readiness
1723 program and parental choice.

1724 2. Awarding grants to school readiness program providers
1725 to assist them in meeting applicable state requirements for
1726 child care performance standards, implementing developmentally
1727 appropriate curricula and related classroom resources that
1728 support curricula, providing literacy supports, and providing
1729 professional development. Any grants awarded pursuant to this
1730 subparagraph shall comply with the requirements of ss. 215.971
1731 and 287.058.



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1732 3. Providing training and technical assistance for school
 1733 readiness program providers, staff, and parents on standards,
 1734 child screenings, child assessments, developmentally appropriate
 1735 curricula, character development, teacher-child interactions,
 1736 age-appropriate discipline practices, health and safety,
 1737 nutrition, first aid, the recognition of communicable diseases,
 1738 and child abuse detection and prevention.

1739 4. Providing from among the funds provided for the
 1740 activities described in subparagraphs 1.-3., adequate funding
 1741 for infants and toddlers as necessary to meet federal
 1742 requirements related to expenditures for quality activities for
 1743 infant and toddler care.

1744 5. Improving the monitoring of compliance with, and
 1745 enforcement of, applicable state and local requirements as
 1746 described in and limited by 45 C.F.R. s. 98.40.

1747 6. Responding to Warm-Line requests by providers and
 1748 parents related to school readiness program children, including
 1749 providing developmental and health screenings to school
 1750 readiness program children.

1751 (c) Nondirect services as described in applicable Office
 1752 of Management and Budget instructions are those services not
 1753 defined as administrative, direct, or quality services that are
 1754 required to administer the school readiness program. Such
 1755 services include, but are not limited to:

1756 1. Assisting families to complete the required application
 1757 and eligibility documentation.

1758 2. Determining child and family eligibility.

1759 3. Recruiting eligible child care providers.



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- 1760 4. Processing and tracking attendance records.
- 1761 5. Developing and maintaining a statewide child care
- 1762 information system.

1763

1764 As used in this paragraph, the term "nondirect services" does
 1765 not include payments to school readiness program providers for
 1766 direct services provided to children who are eligible under s.
 1767 1002.87, administrative costs as described in paragraph (a), or
 1768 quality activities as described in paragraph (b).

1769 (7) Funds appropriated for the school readiness program
 1770 may not be expended for the purchase or improvement of land, for
 1771 the purchase, construction, or permanent improvement of any
 1772 building or facility, or for the purchase of buses. However,
 1773 funds may be expended for minor remodeling and upgrading child
 1774 care facilities to ensure that providers meet state and local
 1775 child care standards, including applicable health and safety
 1776 requirements.

1777 1002.895 Market rate schedule.—The school readiness
 1778 program market rate schedule shall be implemented as follows:

1779 (1) The office shall establish procedures for the adoption
 1780 of a market rate schedule. The schedule must include, at a
 1781 minimum, county-by-county rates:

1782 (a) The market rate, including the minimum and the maximum
 1783 rates for child care providers that hold a Gold Seal Quality
 1784 Care designation under s. 402.281.

1785 (b) The market rate for child care providers that do not
 1786 hold a Gold Seal Quality Care designation.

1787 (2) The market rate schedule, at a minimum, must:



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1788 (a) Differentiate rates by type, including, but not
1789 limited to, a child care provider that holds a Gold Seal Quality
1790 Care designation under s. 402.281, a child care facility
1791 licensed under s. 402.305, a public or nonpublic school exempt
1792 from licensure under s. 402.3025, a faith-based child care
1793 facility exempt from licensure under s. 402.316 that does not
1794 hold a Gold Seal Quality Care designation, a large family child
1795 care home licensed under s. 402.3131, or a family day care home
1796 licensed or registered under s. 402.313.

1797 (b) Differentiate rates by the type of child care services
1798 provided for children with special needs or risk categories,
1799 infants, toddlers, preschool-age children, and school-age
1800 children.

1801 (c) Differentiate rates between full-time and part-time
1802 child care services.

1803 (d) Consider discounted rates for child care services for
1804 multiple children in a single family.

1805 (3) The market rate schedule must be based exclusively on
1806 the prices charged for child care services.

1807 (4) The market rate schedule shall be considered by an
1808 early learning coalition in the adoption of a payment schedule.
1809 The payment schedule must take into consideration the average
1810 market rate, include the projected number of children to be
1811 served, and be submitted for approval by the office. Informal
1812 child care arrangements shall be reimbursed at not more than 50
1813 percent of the rate adopted for a family day care home.

1814 (5) The office may contract with one or more qualified
1815 entities to administer this section and provide support and



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1816 technical assistance for child care providers.

1817 (6) The office may adopt rules for establishing procedures
 1818 for the collection of child care providers' market rate, the
 1819 calculation of the average market rate by program care level and
 1820 provider type in a predetermined geographic market, and the
 1821 publication of the market rate schedule.

1822 1002.91 Investigations of fraud or overpayment;
 1823 penalties.—

1824 (1) As used in this subsection, the term "fraud" means an
 1825 intentional deception, omission, or misrepresentation made by a
 1826 person with knowledge that the deception, omission, or
 1827 misrepresentation may result in unauthorized benefit to that
 1828 person or another person, or any aiding and abetting of the
 1829 commission of such an act. The term includes any act that
 1830 constitutes fraud under applicable federal or state law.

1831 (2) To recover state, federal, and local matching funds,
 1832 the office shall investigate early learning coalitions,
 1833 recipients, and providers of the school readiness program and
 1834 the Voluntary Prekindergarten Education Program to determine
 1835 possible fraud or overpayment. If by its own inquiries, or as a
 1836 result of a complaint, the office has reason to believe that a
 1837 person, coalition, or provider has engaged in, or is engaging
 1838 in, a fraudulent act, it shall investigate and determine whether
 1839 any overpayment has occurred due to the fraudulent act. During
 1840 the investigation, the office may examine all records, including
 1841 electronic benefits transfer records, and make inquiry of all
 1842 persons who may have knowledge as to any irregularity incidental



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1843 to the disbursement of public moneys or other items or benefits
 1844 authorizations to recipients.

1845 (3) Based on the results of the investigation, the office
 1846 may, in its discretion, refer the investigation to the
 1847 Department of Financial Services for criminal investigation or
 1848 refer the matter to the applicable coalition. Any suspected
 1849 criminal violation identified by the office must be referred to
 1850 the Department of Financial Services for criminal investigation.

1851 (4) An early learning coalition may suspend or terminate a
 1852 provider from participation in the school readiness program or
 1853 the Voluntary Prekindergarten Education Program when it has
 1854 reasonable cause to believe that the provider has committed
 1855 fraud. The office shall adopt by rule appropriate due process
 1856 procedures that the early learning coalition shall apply in
 1857 suspending or terminating any provider, including the suspension
 1858 or termination of payment. If suspended, the provider shall
 1859 remain suspended until the completion of any investigation by
 1860 the office, the Department of Financial Services, or any other
 1861 state or federal agency, and any subsequent prosecution or other
 1862 legal proceeding.

1863 (5) If a school readiness program provider or a Voluntary
 1864 Prekindergarten Education Program provider, or an owner,
 1865 officer, or director thereof, is convicted of, found guilty of,
 1866 or pleads guilty or nolo contendere to, regardless of
 1867 adjudication, public assistance fraud pursuant to s. 414.39, or
 1868 is acting as the beneficial owner for someone who has been
 1869 convicted of, found guilty of, or pleads guilty or nolo
 1870 contendere to, regardless of adjudication, public assistance



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1871 fraud pursuant to s. 414.39, the early learning coalition shall
 1872 refrain from contracting with, or using the services of, that
 1873 provider for a period of 5 years. In addition, the coalition
 1874 shall refrain from contracting with, or using the services of,
 1875 any provider that shares an officer or director with a provider
 1876 that is convicted of, found guilty of, or pleads guilty or nolo
 1877 contendere to, regardless of adjudication, public assistance
 1878 fraud pursuant to s. 414.39 for a period of 5 years.

1879 (6) If the investigation is not confidential or otherwise
 1880 exempt from disclosure by law, the results of the investigation
 1881 may be reported by the office to the appropriate legislative
 1882 committees, the Department of Children and Families, and such
 1883 other persons as the office deems appropriate.

1884 (7) The early learning coalition may not contract with a
 1885 school readiness program provider or a Voluntary Prekindergarten
 1886 Education Program provider who is on the United States
 1887 Department of Agriculture National Disqualified List. In
 1888 addition, the coalition may not contract with any provider that
 1889 shares an officer or director with a provider that is on the
 1890 United States Department of Agriculture National Disqualified
 1891 List.

1892 (8) Each early learning coalition shall adopt an anti-
 1893 fraud plan addressing the detection and prevention of
 1894 overpayments, abuse, and fraud relating to the provision of and
 1895 payment for school readiness program and Voluntary
 1896 Prekindergarten Education Program services and submit the plan
 1897 to the office for approval. The office shall adopt rules
 1898 establishing criteria for the anti-fraud plan, including



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1899 appropriate due process provisions. The anti-fraud plan must
 1900 include, at a minimum:
 1901 (a) A written description or chart outlining the
 1902 organizational structure of the plan's personnel who are
 1903 responsible for the investigation and reporting of possible
 1904 overpayment, abuse, or fraud.
 1905 (b) A description of the plan's procedures for detecting
 1906 and investigating possible acts of fraud, abuse, or overpayment.
 1907 (c) A description of the plan's procedures for the
 1908 mandatory reporting of possible overpayment, abuse, or fraud to
 1909 the Office of Inspector General within the office.
 1910 (d) A description of the plan's program and procedures for
 1911 educating and training personnel on how to detect and prevent
 1912 fraud, abuse, and overpayment.
 1913 (e) A description of the plan's procedures, including the
 1914 appropriate due process provisions adopted by the office for
 1915 suspending or terminating from the school readiness program or
 1916 the Voluntary Prekindergarten Education Program a recipient or
 1917 provider who the early learning coalition believes has committed
 1918 fraud.
 1919 (9) A person who commits an act of fraud as defined in
 1920 this section is subject to the penalties provided in s.
 1921 414.39(5) (a) and (b).
 1922 1002.92 Child care and early childhood resource and
 1923 referral.—
 1924 (1) As a part of the school readiness program, the office
 1925 shall establish a statewide child care resource and referral
 1926 network that is unbiased and provides referrals to families for



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1927 child care and information on available community resources.
 1928 Preference shall be given to using early learning coalitions as
 1929 the child care resource and referral agencies. If an early
 1930 learning coalition cannot comply with the requirements to offer
 1931 the resource information component or does not want to offer
 1932 that service, the early learning coalition shall select the
 1933 resource and referral agency for its county or multicounty
 1934 region based upon the procurement requirements of s.
 1935 1002.84(12).

1936 (2) At least one child care resource and referral agency
 1937 must be established in each early learning coalition's county or
 1938 multicounty region. The office shall adopt rules regarding
 1939 accessibility of child care resource and referral services
 1940 offered through child care resource and referral agencies in
 1941 each county or multicounty region which include, at a minimum,
 1942 required hours of operation, methods by which parents may
 1943 request services, and child care resource and referral staff
 1944 training requirements.

1945 (3) Child care resource and referral agencies shall
 1946 provide the following services:

1947 (a) Identification of existing public and private child
 1948 care and early childhood education services, including child
 1949 care services by public and private employers, and the
 1950 development of a resource file of those services through the
 1951 single statewide information system developed by the office
 1952 under s. 1002.82(2)(n). These services may include family day
 1953 care, public and private child care programs, the Voluntary
 1954 Prekindergarten Education Program, Head Start, the school



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1955 readiness program, special education programs for
 1956 prekindergarten children with disabilities, services for
 1957 children with developmental disabilities, full-time and part-
 1958 time programs, before-school and after-school programs, vacation
 1959 care programs, parent education, the temporary cash assistance
 1960 program, and related family support services. The resource file
 1961 shall include, but not be limited to:

- 1962 1. Type of program.
- 1963 2. Hours of service.
- 1964 3. Ages of children served.
- 1965 4. Number of children served.
- 1966 5. Program information.
- 1967 6. Fees and eligibility for services.
- 1968 7. Availability of transportation.

1969 (b) Establishment of a referral process that responds to
 1970 parental need for information and that is provided with full
 1971 recognition of the confidentiality rights of parents. The
 1972 resource and referral network shall make referrals to legally
 1973 operating child care facilities. Referrals may not be made to a
 1974 child care facility that is operating illegally.

1975 (c) Maintenance of ongoing documentation of requests for
 1976 service tabulated through the internal referral process through
 1977 the single statewide information system. The following
 1978 documentation of requests for service shall be maintained by the
 1979 child care resource and referral network:

- 1980 1. Number of calls and contacts to the child care resource
 1981 information and referral network component by type of service
 1982 requested.



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- 1983 | 2. Ages of children for whom service was requested.
- 1984 | 3. Time category of child care requests for each child.
- 1985 | 4. Special time category, such as nights, weekends, and
- 1986 | swing shift.
- 1987 | 5. Reason that the child care is needed.
- 1988 | 6. Name of the employer and primary focus of the business
- 1989 | for an employer based child care program.
- 1990 | (d) Provision of technical assistance to existing and
- 1991 | potential providers of child care services. This assistance may
- 1992 | include:
- 1993 | 1. Information on initiating new child care services,
- 1994 | zoning, and program and budget development and assistance in
- 1995 | finding such information from other sources.
- 1996 | 2. Information and resources which help existing child
- 1997 | care services providers to maximize their ability to serve
- 1998 | children and parents in their community.
- 1999 | 3. Information and incentives that may help existing or
- 2000 | planned child care services offered by public or private
- 2001 | employers seeking to maximize their ability to serve the
- 2002 | children of their working parent employees in their community,
- 2003 | through contractual or other funding arrangements with
- 2004 | businesses.
- 2005 | (e) Assistance to families and employers in applying for
- 2006 | various sources of subsidy, including, but not limited to, the
- 2007 | Voluntary Prekindergarten Education Program, the school
- 2008 | readiness program, Head Start, Project Independence, private
- 2009 | scholarships, and the federal child and dependent care tax
- 2010 | credit.



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2011 (f) Assistance to families to negotiate discounts or other
 2012 special arrangements with child care providers.

2013 (g) Assistance to families in identifying summer
 2014 recreation camp and summer day camp programs to help families
 2015 make informed choice. Contingent upon specific appropriation, a
 2016 checklist of important health and safety qualities that parents
 2017 can use to choose their summer camp programs shall be developed
 2018 and distributed in a manner that will reach parents interested
 2019 in such programs for their children.

2020 (h) Assistance to families for accessing local community
 2021 resources.

2022 (4) A child care facility licensed under s. 402.305 and
 2023 licensed and registered family day care homes must provide the
 2024 statewide child care and resource and referral network with the
 2025 following information annually:

- 2026 (a) Type of program.
- 2027 (b) Hours of service.
- 2028 (c) Ages of children served.
- 2029 (d) Fees and eligibility for services.

2030 1002.93 School readiness program transportation services.—

2031 (1) The office may authorize an early learning coalition
 2032 to establish school readiness program transportation services
 2033 for children at risk of abuse or neglect who are participating
 2034 in the school readiness program, pursuant to chapter 427. The
 2035 early learning coalitions may contract for the provision of
 2036 transportation services as required by this section.

2037 (2) The transportation servicers may only provide
 2038 transportation to each child participating in the school



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2039 readiness program to the extent that such transportation is
2040 necessary to provide child care opportunities that otherwise
2041 would not be available to a child whose home is more than a
2042 reasonable walking distance from the nearest child care facility
2043 or family day care home.

2044 1002.94 Child Care Executive Partnership Program.—

2045 (1) There is created a body politic and corporate known as
2046 the Child Care Executive Partnership which shall establish and
2047 govern the Child Care Executive Partnership Program. The purpose
2048 of the Child Care Executive Partnership Program is to use state
2049 and federal funds as incentives for matching local funds derived
2050 from local governments, employers, charitable foundations, and
2051 other sources so that Florida communities may create local
2052 flexible partnerships with employers. The Child Care Executive
2053 Partnership Program funds shall be used at the discretion of
2054 local communities to meet the needs of working parents. A child
2055 care purchasing pool shall be developed with the state, federal,
2056 and local funds to provide subsidies to low-income working
2057 parents whose family income does not exceed the allowable income
2058 for any federally subsidized child care program with a dollar-
2059 for-dollar match from employers, local government, and other
2060 matching contributions. The funds used from the child care
2061 purchasing pool must be used to supplement or extend the use of
2062 existing public or private funds for direct services.

2063 (2) The Child Care Executive Partnership, staffed by the
2064 office, shall consist of a representative of the Executive
2065 Office of the Governor and nine members of the corporate or
2066 child care community, appointed by the Governor.



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2067 (a) Members shall serve for a period of 4 years, except
 2068 that the representative of the Executive Office of the Governor
 2069 shall serve at the pleasure of the Governor.

2070 (b) The Child Care Executive Partnership shall be chaired
 2071 by a member chosen by a majority vote and shall meet at least
 2072 quarterly and at other times upon the call of the chair. The
 2073 Child Care Executive Partnership may use any method of
 2074 telecommunications to conduct meetings, including establishing a
 2075 quorum through telecommunications, only if the public is given
 2076 proper notice of a telecommunications meeting and reasonable
 2077 access to observe and, when appropriate, participate.

2078 (c) Members shall serve without compensation, but may be
 2079 reimbursed for per diem and travel expenses in accordance with
 2080 s. 112.061.

2081 (d) The Child Care Executive Partnership shall have all
 2082 the powers and authority, not explicitly prohibited by law,
 2083 necessary to carry out and effectuate the purposes of this
 2084 section, as well as the functions, duties, and responsibilities
 2085 of the partnership, including, but not limited to, the
 2086 following:

2087 1. Making recommendations concerning the implementation
 2088 and coordination of the school readiness program.

2089 2. Soliciting, accepting, receiving, investing, and
 2090 expending funds from public or private sources.

2091 3. Contracting with public or private entities as
 2092 necessary.

2093 4. Approving an annual budget.

2094 5. Providing a report to the Governor, the Speaker of the



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2095 House of Representatives, and the President of the Senate on or
 2096 before December 1 of each year.

2097
 2098 Notwithstanding this subsection, the corporate body politic
 2099 previously established by prior law is the corporate body
 2100 politic for purposes of this section and shall continue in
 2101 existence. All member terms of the existing corporate body
 2102 politic expire as of June 30, 2013, and new members shall be
 2103 appointed beginning July 1, 2013, in accordance with this
 2104 subsection.

2105 (3) (a) The Legislature shall annually determine the amount
 2106 of state or federal low-income child care moneys which shall be
 2107 used to create Child Care Executive Partnership Program child
 2108 care purchasing pools in counties chosen by the Child Care
 2109 Executive Partnership provided that at least two of the counties
 2110 have populations of no more than 300,000. The Legislature shall
 2111 annually review the effectiveness of the child care purchasing
 2112 pool program and reevaluate the percentage of additional state
 2113 or federal funds, if any, which can be used for the program's
 2114 expansion.

2115 (b) To ensure a seamless service delivery and ease of
 2116 access for families, the office shall administer the child care
 2117 purchasing pool funds.

2118 (c) The office, in conjunction with the Child Care
 2119 Executive Partnership, shall develop procedures for disbursement
 2120 of funds through the child care purchasing pools. In order to be
 2121 considered for funding, an early learning coalition or the
 2122 office must commit to:



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2123 1. Matching the state purchasing pool funds on a dollar-
 2124 for-dollar basis.

2125 2. Expending only those public funds that are matched by
 2126 employers, local government, and other matching contributors who
 2127 contribute to the purchasing pool. Parents shall also pay a fee,
 2128 which may not be less than the amount identified in the early
 2129 learning coalition's school readiness program sliding fee scale.

2130 (d) Each early learning coalition shall establish a
 2131 community child care task force for each child care purchasing
 2132 pool. The task force must be composed of employers, parents,
 2133 private child care providers, and one representative from the
 2134 local children's services council, if one exists in the area of
 2135 the purchasing pool. The early learning coalition is expected to
 2136 recruit the task force members from existing child care
 2137 councils, commissions, or task forces already operating in the
 2138 area of a purchasing pool. A majority of the task force shall
 2139 consist of employers.

2140 (e) Each participating early learning coalition shall
 2141 develop a plan for the use of child care purchasing pool funds.
 2142 The plan must show how many children will be served by the
 2143 purchasing pool, how many will be new to receiving child care
 2144 services, and how the early learning coalition intends to
 2145 attract new employers and their employees to the program.

2146 (4) The office may adopt any rules necessary for the
 2147 implementation and administration of this section.

2148 1002.95 Teacher Education and Compensation Helps (TEACH)
 2149 scholarship program.—

2150 (1) The office may contract for the administration of the



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2151 Teacher Education and Compensation Helps (TEACH) scholarship
 2152 program, which provides educational scholarships to caregivers
 2153 and administrators of early childhood programs, family day care
 2154 homes, and large family child care homes. The goal of the
 2155 program is to increase the education and training for
 2156 caregivers, increase the compensation for child caregivers who
 2157 complete the program requirements, and reduce the rate of
 2158 participant turnover in the field of early childhood education.

2159 (2) The office shall adopt rules as necessary to
 2160 administer this section.

2161 1002.96 Early Head Start collaboration grants.-

2162 (1) Contingent upon specific appropriation, the office
 2163 shall establish a program to award collaboration grants to
 2164 assist local agencies in securing Early Head Start programs
 2165 through Early Head Start program federal grants. The
 2166 collaboration grants shall provide the required matching funds
 2167 for public and private nonprofit agencies that have been
 2168 approved for Early Head Start program federal grants.

2169 (2) Public and private nonprofit agencies providing Early
 2170 Head Start programs applying for collaborative grants must:

2171 (a) Meet the requirements in the Head Start program
 2172 performance standards and other applicable rules and
 2173 regulations.

2174 (b) Collaborate with other service providers at the local
 2175 level.

2176 (c) Provide a comprehensive array of health, nutritional,
 2177 and other services to the program's pregnant women and very
 2178 young children, and their families.



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2179 (3) The office may adopt rules as necessary for the award
 2180 of collaboration grants to competing agencies and the
 2181 administration of the collaboration grants program under this
 2182 section.

2183 Section 18. Section 411.011, Florida Statutes, is
 2184 transferred, renumbered as section 1002.97, Florida Statutes,
 2185 and amended to read:

2186 1002.97 ~~411.011~~ Records of children in the school
 2187 readiness program ~~programs~~.

2188 (1) The individual records of children enrolled in the
 2189 school readiness program ~~programs~~ provided under this part ~~s.~~
 2190 ~~411.01~~, held by an early learning coalition or the office ~~of~~
 2191 ~~Early Learning~~, are confidential and exempt from s. 119.07(1)
 2192 and s. 24(a), Art. I of the State Constitution. For purposes of
 2193 this section, records include assessment data, health data,
 2194 records of teacher observations, and personal identifying
 2195 information.

2196 (2) A parent, ~~guardian, or individual acting as a parent~~
 2197 ~~in the absence of a parent or guardian~~ has the right to inspect
 2198 and review the individual school readiness program record of his
 2199 or her child and to obtain a copy of the record.

2200 (3) School readiness program records may be released to:

2201 (a) The United States Secretary of Education, the United
 2202 States Secretary of Health and Human Services, and the
 2203 Comptroller General of the United States for the purpose of
 2204 federal audits and investigations.

2205 (b) Individuals or organizations conducting studies for
 2206 institutions to develop, validate, or administer assessments or



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2207 improve instruction.

2208 (c) Accrediting organizations in order to carry out their
2209 accrediting functions.

2210 (d) Appropriate parties in connection with an emergency if
2211 the information is necessary to protect the health or safety of
2212 the child enrollee or other individuals.

2213 (e) The Office of Program Policy Analysis and Government
2214 Accountability and the Auditor General in connection with their
2215 ~~his or her~~ official functions.

2216 (f) A court of competent jurisdiction in compliance with
2217 an order of that court in accordance with a lawfully issued
2218 subpoena.

2219 (g) Parties to an interagency agreement among early
2220 learning coalitions, local governmental agencies, providers of
2221 the school readiness program ~~programs~~, state agencies, and the
2222 office ~~of Early Learning~~ for the purpose of implementing the
2223 school readiness program.

2224

2225 Agencies, organizations, or individuals that receive school
2226 readiness program records in order to carry out their official
2227 functions must protect the data in a manner that does not permit
2228 the personal identification of a child enrolled in a school
2229 readiness program and his or her parent ~~parents~~ by persons other
2230 than those authorized to receive the records.

2231 Section 19. Paragraph (p) of subsection (3) of section
2232 11.45, Florida Statutes, is amended to read:

2233 11.45 Definitions; duties; authorities; reports; rules.—

2234 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The



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2235 Auditor General may, pursuant to his or her own authority, or at
 2236 the direction of the Legislative Auditing Committee, conduct
 2237 audits or other engagements as determined appropriate by the
 2238 Auditor General of:

2239 (p) The school readiness program system, including the
 2240 early learning coalitions, ~~created~~ under part VI of chapter 1002
 2241 ~~s. 411.01~~.

2242 Section 20. Paragraph (h) of subsection (3) of section
 2243 20.15, Florida Statutes, is amended to read:

2244 20.15 Department of Education.—There is created a
 2245 Department of Education.

2246 (3) DIVISIONS.—The following divisions of the Department
 2247 of Education are established:

2248 (h) The Office of Independent Education and Parental
 2249 Choice, which must include the following offices:

2250 1. The Office of Early Learning, which shall be
 2251 administered by an executive director who is fully accountable
 2252 to the Commissioner of Education. The executive director shall,
 2253 pursuant to s. 1001.213, administer the early learning programs,
 2254 including the school readiness program and the Voluntary
 2255 Prekindergarten Education Program at the state level.

2256 2. The Office of K-12 School Choice, which shall be
 2257 administered by an executive director who is fully accountable
 2258 to the Commissioner of Education. ~~The Office of Early Learning,~~
 2259 ~~which shall administer the school readiness system in accordance~~
 2260 ~~with s. 411.01 and the operational requirements of the Voluntary~~
 2261 ~~Prekindergarten Education Program in accordance with part V of~~
 2262 ~~chapter 1002. The office is a separate budget entity and is not~~



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2263 ~~subject to control, supervision, or direction by the Department~~
 2264 ~~of Education or the State Board of Education in any manner~~
 2265 ~~including, but not limited to, personnel, purchasing,~~
 2266 ~~transactions involving personal property, and budgetary matters.~~
 2267 ~~The office director shall be appointed by the Governor and~~
 2268 ~~confirmed by the Senate, shall serve at the pleasure of the~~
 2269 ~~Governor, and shall be the agency head of the office for all~~
 2270 ~~purposes. The office shall enter into a service agreement with~~
 2271 ~~the department for professional, technological, and~~
 2272 ~~administrative support services. The office shall be subject to~~
 2273 ~~review and oversight by the Chief Inspector General or his or~~
 2274 ~~her designee.~~

2275 Section 21. Paragraph (a) of subsection (8) of section
 2276 216.136, Florida Statutes, is amended to read:

2277 216.136 Consensus estimating conferences; duties and
 2278 principals.—

2279 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

2280 (a) The Early Learning Programs Estimating Conference
 2281 shall develop estimates and forecasts of the unduplicated count
 2282 of children eligible for the school readiness program ~~programs~~
 2283 in accordance with the standards of eligibility established in
 2284 s. 1002.87 ~~411.01(6)~~, and of children eligible for the Voluntary
 2285 Prekindergarten Education Program in accordance with s.
 2286 1002.53(2), as the conference determines are needed to support
 2287 the state planning, budgeting, and appropriations processes.

2288 Section 22. Paragraph (b) of subsection (1) and subsection
 2289 (3) of section 402.281, Florida Statutes, are amended to read:

2290 402.281 Gold Seal Quality Care program.—



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2291 (1)

2292 (b) A child care facility, large family child care home,

2293 or family day care home that is accredited by an ~~a nationally~~

2294 ~~recognized~~ accrediting association approved by the department

2295 under subsection (3) and meets all other requirements shall,

2296 upon application to the department, receive a separate "Gold

2297 Seal Quality Care" designation.

2298 (3)(a) In order to be approved by the department for

2299 participation in the Gold Seal Quality Care program, an

2300 accrediting association must apply to the department and

2301 demonstrate that it:

2302 1. Is a ~~nationally~~ recognized accrediting association.

2303 2. Has accrediting standards that substantially meet or

2304 exceed the Gold Seal Quality Care standards adopted by the

2305 department under subsection (2).

2306 (b) In approving accrediting associations, the department

2307 shall consult with the Department of Education, the Florida Head

2308 Start Directors Association, the Florida Association of Child

2309 Care Management, the Florida Family Child Day Care Home

2310 Association, the Florida Children's Forum, the Florida

2311 Association for the Education of the Young ~~Early Childhood~~

2312 Association of Florida, the Child Development Education

2313 Alliance, the Florida Association of Academic Nonpublic Schools,

2314 the Association of Early Learning Coalitions, providers

2315 receiving exemptions under s. 402.316, and parents.

2316 Section 23. Subsection (9) of section 402.302, Florida

2317 Statutes, is amended to read:

2318 402.302 Definitions.—As used in this chapter, the term:



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2319 | (9) "Household children" means children who are related by
 2320 | blood, marriage, or legal adoption to, or who are the legal
 2321 | wards of, the family day care home operator, the large family
 2322 | child care home operator, or an adult household member who
 2323 | permanently or temporarily resides in the home. Supervision of
 2324 | the operator's household children shall be left to the
 2325 | discretion of the operator unless those children receive
 2326 | subsidized child care through the school readiness program
 2327 | pursuant to s. 1002.92 ~~411.0101~~ to be in the home.

2328 | Section 24. Paragraph (c) of subsection (1) of section
 2329 | 402.305, Florida Statutes, is amended to read:

2330 | 402.305 Licensing standards; child care facilities.—

2331 | (1) LICENSING STANDARDS.—The department shall establish
 2332 | licensing standards that each licensed child care facility must
 2333 | meet regardless of the origin or source of the fees used to
 2334 | operate the facility or the type of children served by the
 2335 | facility.

2336 | (c) The minimum standards for child care facilities shall
 2337 | be adopted in the rules of the department and shall address the
 2338 | areas delineated in this section. The department, in adopting
 2339 | rules to establish minimum standards for child care facilities,
 2340 | shall recognize that different age groups of children may
 2341 | require different standards. The department may adopt different
 2342 | minimum standards for facilities that serve children in
 2343 | different age groups, including school-age children. The
 2344 | department shall also adopt by rule a definition for child care
 2345 | which distinguishes between child care programs that require
 2346 | child care licensure and after-school programs that do not



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2347 require licensure. Notwithstanding any other provision of law to
 2348 the contrary, minimum child care licensing standards shall be
 2349 developed to provide for reasonable, affordable, and safe
 2350 before-school and after-school care. After-school programs that
 2351 otherwise meet the criteria for exclusion from licensure may
 2352 provide snacks and meals through the federal Afterschool Meal
 2353 Program (AMP) administered by the Department of Health in
 2354 accordance with federal regulations and standards. The
 2355 Department of Health shall consider meals to be provided through
 2356 the AMP only if the program is actively participating in the
 2357 AMP, is in good standing with the department, and the meals meet
 2358 AMP requirements. Standards, at a minimum, shall allow for a
 2359 credentialed director to supervise multiple before-school and
 2360 after-school sites.

2361 Section 25. Paragraph (c) of subsection (1) and subsection
 2362 (4) of section 445.023, Florida Statutes, are amended to read:

2363 445.023 Program for dependent care for families with
 2364 children with special needs.—

2365 (1) There is created the program for dependent care for
 2366 families with children with special needs. This program is
 2367 intended to provide assistance to families with children who
 2368 meet the following requirements:

2369 (c) The family meets the income guidelines established
 2370 under s. 1002.87 ~~411.01(6)~~, notwithstanding any financial
 2371 eligibility criteria to the contrary in s. 414.075, s. 414.085,
 2372 or s. 414.095.

2373 (4) In addition to school readiness program services
 2374 provided under part VI of chapter 1002 ~~s. 411.01~~, dependent care



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2375 | may be provided for children age 13 years and older who are in
 2376 | need of care due to disability and where such care is needed for
 2377 | the parent to accept or continue employment or otherwise
 2378 | participate in work activities. The amount of subsidy shall be
 2379 | consistent with the rates for special needs child care
 2380 | established by the department. Dependent care needed for
 2381 | employment may be provided as transitional services for up to 2
 2382 | years after eligibility for temporary cash assistance ends.

2383 | Section 26. Paragraph (a) of subsection (2) of section
 2384 | 490.014, Florida Statutes, is amended to read:

2385 | 490.014 Exemptions.—

2386 | (2) No person shall be required to be licensed or
 2387 | provisionally licensed under this chapter who:

2388 | (a) Is a salaried employee of a government agency; a
 2389 | developmental disability facility or program; a mental health,
 2390 | alcohol, or drug abuse facility operating under chapter 393,
 2391 | chapter 394, or chapter 397; the statewide child care resource
 2392 | and referral network operating under s. 1002.92 ~~411.0101~~; a
 2393 | child-placing or child-caring agency licensed pursuant to
 2394 | chapter 409; a domestic violence center certified pursuant to
 2395 | chapter 39; an accredited academic institution; or a research
 2396 | institution, if such employee is performing duties for which he
 2397 | or she was trained and hired solely within the confines of such
 2398 | agency, facility, or institution, so long as the employee is not
 2399 | held out to the public as a psychologist pursuant to s.

2400 | 490.012(1)(a).

2401 | Section 27. Paragraph (a) of subsection (4) of section
 2402 | 491.014, Florida Statutes, is amended to read:



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2403 | 491.014 Exemptions.—

2404 | (4) No person shall be required to be licensed,
 2405 | provisionally licensed, registered, or certified under this
 2406 | chapter who:

2407 | (a) Is a salaried employee of a government agency; a
 2408 | developmental disability facility or program; a mental health,
 2409 | alcohol, or drug abuse facility operating under chapter 393,
 2410 | chapter 394, or chapter 397; the statewide child care resource
 2411 | and referral network operating under s. 1002.92 ~~411.0101~~; a
 2412 | child-placing or child-caring agency licensed pursuant to
 2413 | chapter 409; a domestic violence center certified pursuant to
 2414 | chapter 39; an accredited academic institution; or a research
 2415 | institution, if such employee is performing duties for which he
 2416 | or she was trained and hired solely within the confines of such
 2417 | agency, facility, or institution, so long as the employee is not
 2418 | held out to the public as a clinical social worker, mental
 2419 | health counselor, or marriage and family therapist.

2420 | Section 28. Paragraph (b) of subsection (1) of section
 2421 | 1001.11, Florida Statutes, is amended to read:

2422 | 1001.11 Commissioner of Education; other duties.—

2423 | (1) The Commissioner of Education must independently
 2424 | perform the following duties:

2425 | (b) Serve as the primary source of information to the
 2426 | Legislature, including the President of the Senate and the
 2427 | Speaker of the House of Representatives, concerning the State
 2428 | Board of Education, ~~and~~ the K-20 education system, and early
 2429 | learning programs.

2430 | Section 29. Sections 411.01, 411.0101, 411.01013,



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2431 411.01014, 411.01015, 411.0102, 411.0103, 411.0104, 411.0105,
 2432 and 411.0106, Florida Statutes, are repealed.

2433 Section 30. Within existing Senior Management Service and
 2434 Selected Exempt Service positions authorized for the Office of
 2435 Early Learning, a Senior Management Service position for a
 2436 general counsel and a Selected Exempt Service position for an
 2437 inspector general are authorized for the office.

2438 Section 31. By October 1, 2013, the Office of Early
 2439 Learning, in collaboration with the Commissioner of Education,
 2440 shall develop a reorganization plan for the office. The plan
 2441 shall include any changes made prior to July 1, 2013; personnel,
 2442 purchasing, and budgetary matters and their alignment with the
 2443 duties and responsibilities of the office; a report of all
 2444 outstanding contractual obligations; and recommendations for
 2445 statutory and budgetary changes. The plan shall be provided to
 2446 the Governor, the President of the Senate, and the Speaker of
 2447 the House of Representatives.

2448 Section 32. This act shall take effect July 1, 2013.