

CHAPTER 2010-210

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 2014

An act relating to early learning; amending s. 39.0121, F.S.; deleting an obsolete reference to the repealed subsidized child care program; amending s. 39.202, F.S.; replacing an obsolete reference to a repealed program with an updated reference to the school readiness program; authorizing county agencies responsible for licensure or approval of child care providers to be granted access to certain confidential reports and records in cases of child abuse or neglect; amending s. 39.5085, F.S.; deleting an obsolete reference to a repealed program; amending s. 383.14, F.S.; replacing obsolete references to the former State Coordinating Council for School Readiness Programs with updated references to the Agency for Workforce Innovation; transferring, renumbering, and amending s. 402.25, F.S.; updating an obsolete reference to a repealed program; deleting obsolete references relating to the repealed prekindergarten early intervention program and Florida First Start Program; amending s. 402.26, F.S.; revising legislative intent; updating an obsolete reference to a repealed program; amending s. 402.281, F.S.; establishing the Gold Seal Quality Care program within the Department of Children and Family Services; providing that a child care facility, large family child care home, or family day care home may receive a Gold Seal Quality Care designation if accredited by a nationally recognized accrediting association and certain requirements are met; requiring that the department adopt rules establishing accreditation standards; requiring that an accrediting association apply to the department for participation in the program; requiring that the department consult with the Agency for Workforce Innovation regarding the approval of accrediting associations for the program; transferring and renumbering s. 402.3016, F.S., relating to Early Head Start collaboration grants; transferring, renumbering, and amending s. 402.3018, F.S.; transferring administration of the statewide toll-free Warm-Line from the department to the agency; conforming provisions; transferring, renumbering, and amending s. 402.3051, F.S.; revising procedures for child care market rate reimbursement and child care grants; transferring authority to establish the procedures from the department to the agency; directing the agency to adopt a prevailing market rate schedule for child care services; revising definitions; authorizing the agency to enter into contracts and adopt rules; amending s. 402.313, F.S.; deleting obsolete provisions authorizing the department to license family day care homes participating in a repealed program; repealing s. 402.3135, F.S., relating to the subsidized child care program case management program; transferring, renumbering, and amending s. 402.3145, F.S.; transferring administration of certain transportation services for children at risk of abuse or neglect from the department to the agency; revising requirements for the provision of such transportation services; amending s. 402.315, F.S.; revising provisions relating to fees

collected for child care facilities; amending s. 402.45, F.S.; updating an obsolete reference relating to a former council; directing the Department of Health to consult with the agency regarding certain training provided for contractors of the community resource mother or father program; amending s. 409.1671, F.S.; clarifying that a licensed foster home may be dually licensed as a family day care home or large family child care home and receive certain payments for the same child; deleting an obsolete reference to a repealed program; amending s. 411.01, F.S.; revising provisions relating to the School Readiness Act; revising legislative intent; revising the duties and responsibilities of the Agency for Workforce Innovation; revising provisions for school readiness plans; specifying that certain program providers' compliance with licensing standards satisfies certain health screening requirements; requiring early learning coalitions to maintain certain direct enhancement services; deleting obsolete provisions relating to the merger of early learning coalitions; revising provisions for the membership of early learning coalitions and the voting privileges of such members; revising requirements for parental choice; directing the agency to establish a formula for allocating school readiness funds to each county; providing for legislative notice and review of the formula; amending s. 411.0101, F.S.; revising requirements for services provided by the statewide child care resource and referral network; updating obsolete references to repealed programs; amending s. 411.0102, F.S.; revising provisions relating to the Child Care Executive Partnership Act; updating obsolete references to repealed programs; deleting provisions relating to the duties of each early coalition board; amending s. 411.203, F.S.; deleting an obsolete reference to a repealed program; conforming provisions; amending s. 411.221, F.S.; updating an obsolete reference to a former council; amending ss. 445.024, 445.030, 490.014, and 491.014, F.S.; deleting obsolete references to repealed programs; conforming provisions to the repeal of the subsidized child care case management program; amending ss. 1002.53, 1002.55, 1002.67, and 1002.71, F.S.; revising provisions relating to the eligibility requirements for private prekindergarten providers; conforming provisions to changes made by the act; amending s. 1002.69, F.S.; revising provisions relating to statewide kindergarten screening and kindergarten readiness rates; authorizing the State Board of Education to grant an exemption to a private prekindergarten provider or public school if requested and good cause is shown; providing for the renewal of such exemption; requiring that certain information be submitted along with the provider's or public school's request for the exemption; requiring that the board adopt criteria for granting the exemption; providing that the exemption not be granted under certain circumstances; requiring notice to the Agency for Workforce Innovation of exemptions; amending s. 1002.73, F.S.; requiring that the Department of Education adopt procedures for granting good cause exemptions to private prekindergarten providers and public schools; amending s. 1009.64, F.S.; deleting an obsolete reference to a repealed program; amending s. 125.901, F.S.; requiring the governing body of the county to submit to the electorate the question of retention or dissolution of a special taxing district created to provide funding for children's services;

prescribing a schedule and conditions relating to submission of the question to the electorate; prescribing reauthorization conditions governing newly created children’s services districts; providing for the application of the revisions made by this act to s. 125.901, F.S., to certain children’s services special districts in existence before and after the effective date of the act; providing effective dates.

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

Section 1. Subsection (7) of section 39.0121, Florida Statutes, is amended to read:

39.0121 Specific rulemaking authority.—Pursuant to the requirements of s. 120.536, the department is specifically authorized to adopt, amend, and repeal administrative rules which implement or interpret law or policy, or describe the procedure and practice requirements necessary to implement this chapter, including, but not limited to, the following:

(7) Federal funding requirements and procedures; foster care and adoption subsidies; and subsidized independent living;~~and subsidized child care.~~

Section 2. Paragraph (a) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Except as provided in subsection (4), access to such records, excluding the name of the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

(a) Employees, authorized agents, or contract providers of the department, the Department of Health, the Agency for Persons with Disabilities, or county agencies responsible for carrying out:

1. Child or adult protective investigations;
2. Ongoing child or adult protective services;
3. Early intervention and prevention services;
4. Healthy Start services;
5. Licensure or approval of adoptive homes, foster homes, child care facilities, facilities licensed under chapter 393, or family day care homes or informal child care providers who receive school readiness ~~subsidized child care~~ funding, or other homes used to provide for the care and welfare of children; or

6. Services for victims of domestic violence when provided by certified domestic violence centers working at the department's request as case consultants or with shared clients.

Also, employees or agents of the Department of Juvenile Justice responsible for the provision of services to children, pursuant to chapters 984 and 985.

Section 3. Paragraph (f) of subsection (2) of section 39.5085, Florida Statutes, is amended to read:

39.5085 Relative Caregiver Program.—

(2)

(f) Within available funding, the Relative Caregiver Program shall provide relative caregivers with family support and preservation services, flexible funds in accordance with s. 409.165, school readiness subsidized child care, and other available services in order to support the child's safety, growth, and healthy development. Children living with relative caregivers who are receiving assistance under this section shall be eligible for Medicaid coverage.

Section 4. Paragraph (b) of subsection (1) and subsection (2) of section 383.14, Florida Statutes, are amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(1) SCREENING REQUIREMENTS.—To help ensure access to the maternal and child health care system, the Department of Health shall promote the screening of all newborns born in Florida for metabolic, hereditary, and congenital disorders known to result in significant impairment of health or intellect, as screening programs accepted by current medical practice become available and practical in the judgment of the department. The department shall also promote the identification and screening of all newborns in this state and their families for environmental risk factors such as low income, poor education, maternal and family stress, emotional instability, substance abuse, and other high-risk conditions associated with increased risk of infant mortality and morbidity to provide early intervention, remediation, and prevention services, including, but not limited to, parent support and training programs, home visitation, and case management. Identification, perinatal screening, and intervention efforts shall begin prior to and immediately following the birth of the child by the attending health care provider. Such efforts shall be conducted in hospitals, perinatal centers, county health departments, school health programs that provide prenatal care, and birthing centers, and reported to the Office of Vital Statistics.

(b) *Postnatal screening*.—A risk factor analysis using the department's designated risk assessment instrument shall also be conducted as part of the medical screening process upon the birth of a child and submitted to the

department's Office of Vital Statistics for recording and other purposes provided for in this chapter. The department's screening process for risk assessment shall include a scoring mechanism and procedures that establish thresholds for notification, further assessment, referral, and eligibility for services by professionals or paraprofessionals consistent with the level of risk. Procedures for developing and using the screening instrument, notification, referral, and care coordination services, reporting requirements, management information, and maintenance of a computer-driven registry in the Office of Vital Statistics which ensures privacy safeguards must be consistent with the provisions and plans established under chapter 411, Pub. L. No. 99-457, and this chapter. Procedures established for reporting information and maintaining a confidential registry must include a mechanism for a centralized information depository at the state and county levels. The department shall coordinate with existing risk assessment systems and information registries. The department must ensure, to the maximum extent possible, that the screening information registry is integrated with the department's automated data systems, including the Florida On-line Recipient Integrated Data Access (FLORIDA) system. Tests and screenings must be performed by the State Public Health Laboratory, in coordination with Children's Medical Services, at such times and in such manner as is prescribed by the department after consultation with the Genetics and Infant Screening Advisory Council and the Agency for Workforce Innovation State Coordinating Council for School Readiness Programs.

(2) RULES.—After consultation with the Genetics and Newborn Screening Advisory Council, the department shall adopt and enforce rules requiring that every newborn in this state shall, prior to becoming 1 week of age, be subjected to a test for phenylketonuria and, at the appropriate age, be tested for such other metabolic diseases and hereditary or congenital disorders as the department may deem necessary from time to time. After consultation with the Agency for Workforce Innovation State Coordinating Council for School Readiness Programs, the department shall also adopt and enforce rules requiring every newborn in this state to be screened for environmental risk factors that place children and their families at risk for increased morbidity, mortality, and other negative outcomes. The department shall adopt such additional rules as are found necessary for the administration of this section and s. 383.145, including rules providing definitions of terms, rules relating to the methods used and time or times for testing as accepted medical practice indicates, rules relating to charging and collecting fees for the administration of the newborn screening program authorized by this section, rules for processing requests and releasing test and screening results, and rules requiring mandatory reporting of the results of tests and screenings for these conditions to the department.

Section 5. Section 402.25, Florida Statutes, is transferred, renumbered as section 411.0106, Florida Statutes, and amended to read:

411.0106 ~~402.25~~ Infants and toddlers in state-funded education and care programs; brain development activities.—Each state-funded education and care program for children from birth to 5 years of age must provide activities

to foster brain development in infants and toddlers. A program must provide an environment that helps children attain the performance standards adopted by the Agency for Workforce Innovation under s. 411.01(4)(d)8. and must be rich in language and music and filled with objects of various colors, shapes, textures, and sizes to stimulate visual, tactile, auditory, and linguistic senses in the children and must include classical music and at least 30 minutes of reading to the children each day. A program may be offered through an existing early childhood program such as Healthy Start, the Title I program, the school readiness program contracted or directly operated subsidized child care, the prekindergarten early intervention program, Florida First Start, the Head Start program, or a private child care program. A program must provide training for the infants' and toddlers' parents including direct dialogue and interaction between teachers and parents demonstrating the urgency of brain development in the first year of a child's life. Family day care centers are encouraged, but not required, to comply with this section.

Section 6. Subsection (5) of section 402.26, Florida Statutes, is amended to read:

402.26 Child care; legislative intent.—

(5) It is the further intent of the Legislature to provide and make accessible child care opportunities for children at risk, economically disadvantaged children, and other children traditionally disenfranchised from society. In achieving this intent, the Legislature shall develop a school readiness program subsidized child care system, a range of child care options, support services, and linkages with other programs to fully meet the child care needs of this population.

Section 7. Section 402.281, Florida Statutes, is amended to read:

402.281 Gold Seal Quality Care program.—

(1)(a) There is established within the department the Gold Seal Quality Care Program.

(b) A child care facility facilities, large family child care home homes, or family day care home homes that is are accredited by a nationally recognized accrediting association approved by the department under subsection (3) and meets all other requirements shall, upon application to the department, whose standards substantially meet or exceed the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission shall receive a separate "Gold Seal Quality Care" designation to operate as a gold seal child care facility, large family child care home, or family day care home.

(2) The department shall adopt rules establishing Gold Seal Quality Care accreditation standards based on the applicable accrediting standards of the

National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission.

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

1. Is a nationally recognized accrediting association.

2. Has accrediting standards that substantially meet or exceed the Gold Seal Quality Care standards adopted by the department under subsection (2).

(b) In approving accrediting associations, the department shall consult with the Department of Education, the Agency for Workforce Innovation, the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Day Care Association, the Florida Children’s Forum, the Early Childhood Association of Florida, the Child Development Education Alliance, providers receiving exemptions under s. 402.316, and parents.

~~(2) In developing the Gold Seal Quality Care program standards, the department shall consult with the Department of Education, the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Day Care Association, the Florida Children’s Forum, the State Coordinating Council for School Readiness Programs, the Early Childhood Association of Florida, the National Association for Child Development Education, providers receiving exemptions under s. 402.316, and parents, for the purpose of approving the accrediting associations.~~

(4)(3) In order to obtain and maintain a designation as a Gold Seal Quality Care provider, a child care facility, large family child care home, or family day care home must meet the following additional criteria:

(a) The child care provider must not have had any class I violations, as defined by rule, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of a class I violation shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class I violations for a period of 2 years.

(b) The child care provider must not have had three or more class II violations, as defined by rule, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of three or more class II violations within a 2-year period shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class II violations for a period of 1 year.

(c) The child care provider must not have been cited for the same class III violation, as defined by rule, three or more times within the 2 years preceding

its application for designation as a Gold Seal Quality Care provider. Commission of the same class III violation three or more times during a 2-year period shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class III violations for a period of 1 year.

(5)(4) The Department of Children and Family Services shall adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for reviewing and approving accrediting associations for participation in the Gold Seal Quality Care program, conferring and revoking designations of Gold Seal Quality Care providers, and classifying violations.

Section 8. Section 402.3016, Florida Statutes, is transferred and renumbered as section 411.0104, Florida Statutes.

Section 9. Section 402.3018, Florida Statutes, is transferred, renumbered as section 411.01015, Florida Statutes, and amended to read:

411.01015 ~~402.3018~~ Consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues.—

(1) Contingent upon specific appropriations, the Agency for Workforce Innovation shall administer ~~department is directed to contract with the statewide resource information and referral agency for~~ a statewide toll-free Warm-Line for the purpose of providing assistance and consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs.

(2) The purpose of the Warm-Line is to provide advice to child care personnel concerning strategies, curriculum, and environmental adaptations that allow a child with a disability or special need to derive maximum benefit from the child care services ~~experience~~.

(3) The Agency for Workforce Innovation ~~department~~ shall annually inform child care centers and family day care homes of the availability of this service through the child care resource and referral network under s. 411.0101, ~~on an annual basis~~.

(4) Contingent upon specific appropriations, the Agency for Workforce Innovation ~~department~~ shall expand, or contract for the expansion of, the Warm-Line to maintain at least one Warm-Line site in each early learning coalition service area ~~from one statewide site to one Warm-Line site in each child care resource and referral agency region~~.

(5) Each regional Warm-Line shall provide assistance and consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs. Regional Warm-Line staff shall provide onsite technical assistance, when requested,

to assist child care centers and family day care homes with inquiries relative to the strategies, curriculum, and environmental adaptations the child care centers and family day care homes may need as they serve children with disabilities and other special needs.

Section 10. Section 402.3051, Florida Statutes, is transferred, renumbered as section 411.01013, Florida Statutes, and amended to read:

(Substantial rewording of section. See s. 402.3051, F.S., for present text.)

411.01013 Prevailing market rate schedule.—

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

(a) “Market rate” means the price that a child care provider charges for daily, weekly, or monthly child care services.

(b) “Prevailing market rate” means the annually determined 75th percentile of a reasonable frequency distribution of the market rate in a predetermined geographic market at which child care providers charge a person for child care services.

(2) The Agency for Workforce Innovation shall establish procedures for the adoption of a prevailing market rate schedule. The schedule must include, at a minimum, county-by-county rates:

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

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

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

(a) Differentiate rates by type, including, but not limited to, a child care provider that holds a Gold Seal Quality Care designation under s. 402.281, a child care facility licensed under s. 402.305, a public or nonpublic school exempt from licensure under s. 402.3025, a faith-based child care facility exempt from licensure under s. 402.316 that does not hold a Gold Seal Quality Care designation, a large family child care home licensed under s. 402.3131, a family day care home licensed or registered under s. 402.313, or an after-school program that is not defined as child care under rules adopted pursuant to s. 402.3045.

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

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

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

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

(5) The prevailing market rate shall be considered by an early learning coalition in the adoption of a payment schedule in accordance with s. 411.01(5)(e)2.

(6) The Agency for Workforce Innovation may contract with one or more qualified entities to administer this section and provide support and technical assistance for child care providers.

(7) The Agency for Workforce Innovation may adopt rules pursuant to ss. 120.536(1) and 120.54 for establishing procedures for the collection of child care providers' market rate, the calculation of a reasonable frequency distribution of the market rate, and the publication of a prevailing market rate schedule.

Section 11. Subsection (1) of section 402.313, Florida Statutes, is amended to read:

402.313 Family day care homes.—

(1) Family day care homes shall be licensed under this act if they are presently being licensed under an existing county licensing ordinance, ~~if they are participating in the subsidized child care program,~~ or if the board of county commissioners passes a resolution that family day care homes be licensed. ~~If no county authority exists for the licensing of a family day care home, the department shall have the authority to license family day care homes under contract for the purchase of service system in the subsidized child care program.~~

(a) If not subject to license, family day care homes shall register annually with the department, providing the following information:

1. The name and address of the home.
2. The name of the operator.
3. The number of children served.
4. Proof of a written plan to provide at least one other competent adult to be available to substitute for the operator in an emergency. This plan shall include the name, address, and telephone number of the designated substitute.
5. Proof of screening and background checks.

6. Proof of successful completion of the 30-hour training course, as evidenced by passage of a competency examination, which shall include:

- a. State and local rules and regulations that govern child care.
- b. Health, safety, and nutrition.
- c. Identifying and reporting child abuse and neglect.
- d. Child development, including typical and atypical language development; and cognitive, motor, social, and self-help skills development.
- e. Observation of developmental behaviors, including using a checklist or other similar observation tools and techniques to determine a child’s developmental level.
- f. Specialized areas, including early literacy and language development of children from birth to 5 years of age, as determined by the department, for owner-operators of family day care homes.

7. Proof that immunization records are kept current.

8. Proof of completion of the required continuing education units or clock hours.

(b) A family day care home ~~not participating in the subsidized child care program~~ may volunteer to be licensed under the provisions of this act.

(c) The department may provide technical assistance to counties and family day care home providers to enable counties and family day care providers to achieve compliance with family day care homes standards.

Section 12. Section 402.3135, Florida Statutes, is repealed.

Section 13. Section 402.3145, Florida Statutes, is transferred, renumbered as section 411.01014, Florida Statutes, and amended to read:

411.01014 ~~402.3145~~ School readiness ~~Subsidized child care transportation services program.~~—

(1) The Agency for Workforce Innovation department, pursuant to chapter 427, may authorize an early learning coalition to shall establish school readiness a subsidized child care transportation services system for children at risk of abuse or neglect participating in the school readiness ~~subsidized child care~~ program. The early learning coalitions may state ~~community child care coordination agencies shall~~ contract for the provision of transportation services as required by this section.

(2) The transportation ~~servicers may only system shall~~ provide transportation to each child participating in the school readiness program to the extent that such ~~subsidized child care when, and only when,~~ transportation is necessary to provide child care opportunities that ~~which~~ otherwise would not

be available to a child whose home is more than a reasonable walking distance from the nearest child care facility or family day care home.

Section 14. Subsection (3) of section 402.315, Florida Statutes, is amended to read:

402.315 Funding; license fees.—

(3) The department shall collect a fee for any license it issues for a child care facility, family day care home, or large family child care home pursuant to ss. 402.305, 402.313, and 402.3131 ~~s. 402.308~~.

(a) For a child care facility licensed pursuant to s. 402.305, such fee shall be \$1 per child based on the licensed capacity of the facility, except that the minimum fee shall be \$25 per facility center and the maximum fee shall be \$100 per facility center.

(b) For a family day care home registered pursuant to s. 402.313, such fee shall be \$25.

(c) For a family day care home licensed pursuant to s. 402.313, such fee shall be \$50.

(d) For a large family child care home licensed pursuant to s. 402.3131, such fee shall be \$60.

Section 15. Subsection (6) of section 402.45, Florida Statutes, is amended to read:

402.45 Community resource mother or father program.—

(6) Individuals under contract to provide community resource mother or father services shall participate in preservice and ongoing training as determined by the Department of Health in consultation with the Agency for Workforce Innovation ~~State Coordinating Council for School Readiness Programs~~. A community resource mother or father shall not be assigned a client caseload until all preservice training requirements are completed.

Section 16. Paragraph (c) of subsection (5) of section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; outsourcing.—

(5)

(c) A foster home dually licensed home under s. 409.175 may this section shall be dually licensed as a child care home under chapter 402 and may eligible to receive a foster care maintenance both an out of home care payment and, to the extent permitted under federal law, school readiness funding a subsidized child care payment for the same child pursuant to federal law. The department may adopt administrative rules necessary to administer this paragraph.

Section 17. Paragraphs (a), (d), (e), (f), (g), and (h) of subsection (2) and subsections (4) through (11) of section 411.01, Florida Statutes, are amended to read:

411.01 School readiness programs; early learning coalitions.—

(2) LEGISLATIVE INTENT.—

(a) The Legislature recognizes that school readiness programs increase children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that the programs be developmentally appropriate, research-based, involve the parent parents as a their child's first teacher, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education. Each school readiness program shall provide the elements necessary to prepare at-risk children for school, including health screening and referral and an appropriate educational program.

(d) It is the intent of the Legislature that the administrative staff at the state level for school readiness programs be kept to the minimum necessary to administer the duties of the Agency for Workforce Innovation and early learning coalitions. The Agency for Workforce Innovation shall adopt system support services at the state level to build a comprehensive early learning system. Each early learning coalition shall implement and maintain direct enhancement services at the local level, as approved in its school readiness plan by the Agency for Workforce Innovation, and ensure access to such services in all 67 counties, ~~as the school readiness programs are to be regionally designed, operated, and managed, with the Agency for Workforce Innovation developing school readiness program performance standards and outcome measures and approving and reviewing early learning coalitions and school readiness plans.~~

(e) ~~It is the intent of the Legislature that appropriations for combined school readiness programs shall not be less than the programs would receive in any fiscal year on an uncombined basis.~~

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

(g) ~~It is the intent of the Legislature that the federal child care income tax credit be preserved for school readiness programs.~~

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

(4) AGENCY FOR WORKFORCE INNOVATION.—

(a) The Agency for Workforce Innovation shall administer school readiness programs at the state level and shall coordinate with the early learning coalitions in providing school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient.

(b) The Agency for Workforce Innovation shall:

1. Coordinate the birth-to-kindergarten services for children who are eligible under subsection (6) and the programmatic, administrative, and fiscal standards under this section for all public providers of school readiness programs.

~~2. Continue to provide unified leadership for school readiness through early learning coalitions.~~

~~2.3. Focus on improving the educational quality of all program providers participating in publicly funded school readiness programs.~~

(c) The Governor shall designate the Agency for Workforce Innovation as the lead agency for purposes of administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and the agency for Workforce Innovation may be designated by the Governor as the lead agency and, if so designated, shall comply with the lead agency responsibilities under federal law.

(d) The Agency for Workforce Innovation shall:

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

2. Provide final approval and every 2 years ~~periodic~~ review of early learning coalitions and school readiness plans.

3. Establish Provide leadership for the enhancement of school readiness in this state by aggressively establishing a unified approach to the state's efforts toward enhancement of school readiness. In support of this effort, the Agency for Workforce Innovation shall adopt may develop and implement specific system support services strategies that address the state's school readiness programs. An early learning coalition shall amend its school readiness plan to conform to the specific system support services adopted by the Agency for Workforce Innovation. System support services shall include, but are not limited to:

- a. Child care resource and referral services;
- b. Warm-Line services;
- c. Eligibility determinations;
- d. Child performance standards;
- e. Child screening and assessment;
- f. Developmentally appropriate curricula;
- g. Health and safety requirements;
- h. Statewide data system requirements; and
- i. Rating and improvement systems.

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

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

6.5. Provide technical assistance to early learning coalitions in a manner determined by the Agency for Workforce Innovation based upon information obtained by the agency from various sources, including, but not limited to, public input, government reports, private interest group reports, agency monitoring visits, and coalition requests for service.

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

~~6. Assess gaps in service.~~

~~7. Provide technical assistance to counties that form a multicounty region served by an early learning coalition.~~

8. Develop and adopt performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of the school readiness skills required under paragraph (j). The performance standards for children from birth to 5 3 years of age in school readiness programs must be integrated with the performance standards adopted by the Department of Education for children in the Voluntary Prekindergarten Education Program under s. 1002.67.

9. Adopt a standard contract that must be used by the coalitions when contracting with school readiness providers.

(e) The Agency for Workforce Innovation may adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the agency, including, but not limited to, rules governing the administration of system support services preparation and implementation of the school readiness programs system, the collection of data, the approval of early learning coalitions and school readiness plans, the provision of a method whereby an early learning coalition may serve two or more counties, the award of incentives to early learning coalitions, child performance standards, child outcome measures, and the issuance of waivers, and the implementation of the state's Child Care and Development Fund Plan as approved by the federal Administration for Children and Families.

(f) The Agency for Workforce Innovation shall have all powers necessary to administer this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for purposes of this section.

(g) Except as provided by law, the Agency for Workforce Innovation may not impose requirements on a child care or early childhood education provider that does not deliver services under the a school readiness programs program or receive state or federal funds under this section.

(h) The Agency for Workforce Innovation shall have a budget for the school readiness programs system, which shall be financed through an annual appropriation made for purposes of this section in the General Appropriations Act.

(i) The Agency for Workforce Innovation shall coordinate the efforts toward school readiness in this state and provide independent policy analyses, data analyses, and recommendations to the Governor, the State Board of Education, and the Legislature.

(j) The Agency for Workforce Innovation shall require that ~~each early learning coalition's school readiness programs program must~~, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards adopted under subparagraph (d)8. and in the development of the following school readiness skills:

1. Compliance with rules, limitations, and routines.
2. Ability to perform tasks.
3. Interactions with adults.
4. Interactions with peers.

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

~~Within 30 days after enrollment The Agency for Workforce Innovation shall also require that, before a child is enrolled in the an early learning coalition's school readiness program, the early learning coalition must ensure that the program provider obtains information is obtained by the coalition or the school readiness provider regarding the child's immunizations, physical development, and other health requirements as necessary, including appropriate vision and hearing screening and examinations. For a program provider licensed by the Department of Children and Family Services, the provider's compliance with s. 402.305(9), as verified pursuant to s. 402.311, shall satisfy this requirement.~~

(k) The Agency for Workforce Innovation shall conduct studies and planning activities related to the overall improvement and effectiveness of the outcome measures adopted by the agency for school readiness programs and the specific system support services to address the state's school readiness programs adopted by the Agency for Workforce Innovation in accordance with subparagraph (d)3.

(l) The Agency for Workforce Innovation shall monitor and evaluate the performance of each early learning coalition in administering the school readiness program, implementing the coalition's school readiness plan, and administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.

~~(m) The Agency for Workforce Innovation shall identify best practices of early learning coalitions in order to improve the outcomes of school readiness programs.~~

~~(m)(n)~~ The Agency for Workforce Innovation shall submit an annual report of its activities conducted under this section to the Governor, the executive director of the Florida Healthy Kids Corporation, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the Agency for Workforce Innovation's reports and recommendations shall be made available to ~~the State Board of Education~~, the Florida Early Learning Advisory Council and, other appropriate state agencies and entities, ~~district school boards, central agencies, and county health departments~~. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs.

~~(n)(o)~~ The Agency for Workforce Innovation shall work with the early learning coalitions to ensure availability of training and support for parental increase parents' training for and involvement in their children's early preschool education and to provide family literacy activities and services programs.

(5) CREATION OF EARLY LEARNING COALITIONS.—

(a) *Early learning coalitions*.—

1. Each early learning coalition shall maintain direct enhancement services at the local level and ensure access to such services in all 67 counties.

~~2.1.~~ The Agency for Workforce Innovation shall establish the minimum number of children to be served by each early learning coalition through the coalition's school readiness program. The Agency for Workforce Innovation may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every early learning coalition and must:

- a. Permit ~~31~~ 30 or fewer coalitions to be established; and
- b. Require each coalition to serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months.

~~The Agency for Workforce Innovation shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. Each early learning coalition must comply with the merger procedures and shall be organized in accordance with this subparagraph by April 1, 2005. By June 30, 2005, each coalition must complete the transfer of powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the successor coalition, if applicable.~~

3.2. If an early learning coalition would serve fewer children than the minimum number established under subparagraph 2.1, the coalition must merge with another county to form a multicounty coalition. The Agency for

Workforce Innovation shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. However, the Agency for Workforce Innovation shall grant a waiver to ~~may authorize~~ an early learning coalition to serve fewer children than the minimum number established under subparagraph ~~2.~~ 1., if:

~~a. The coalition demonstrates to the Agency for Workforce Innovation that merging with another county or multicounty region contiguous to the coalition would cause an extreme hardship on the coalition;~~

~~a.b. The Agency for Workforce Innovation has determined during the most recent annual review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(1), that the coalition has substantially implemented its plan and substantially met the performance standards and outcome measures adopted by the agency; and~~

~~b.e. The coalition demonstrates to the Agency for Workforce Innovation the coalition's ability to effectively and efficiently implement the Voluntary Prekindergarten Education Program; and~~

c. The coalition demonstrates to the Agency for Workforce Innovation that the coalition can perform its duties in accordance with law.

If an early learning coalition fails or refuses to merge as required by this subparagraph, the Agency for Workforce Innovation may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the agency reestablishes the coalition and a new ~~is reestablished through resubmission of a school readiness plan is approved and approval~~ by the agency.

~~3. Notwithstanding the provisions of subparagraphs 1. and 2., the early learning coalitions in Sarasota, Osceola, and Santa Rosa Counties which were in operation on January 1, 2005, are established and authorized to continue operation as independent coalitions, and shall not be counted within the limit of 30 coalitions established in subparagraph 1.~~

4. Each early learning coalition shall be composed of at least ~~15~~ 18 members but not more than ~~30~~ 35 members. The Agency for Workforce Innovation shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to an early learning coalition and procedures for identifying which members have voting privileges under subparagraph 6. These standards must include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

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

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

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

b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district, ~~who shall be a nonvoting member.~~

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

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

e. A children's services council or juvenile welfare board chair or executive director, if applicable, ~~who shall be a nonvoting member if the council or board is the fiscal agent of the coalition or if the council or board contracts with and receives funds from the coalition for any purpose other than rent.~~

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

g. A president of a community college or his or her designee.

h. One member appointed by a board of county commissioners or the governing board of a municipality.

i. A central agency administrator, where applicable, ~~who shall be a nonvoting member.~~

j. A Head Start director, ~~who shall be a nonvoting member.~~

k. A representative of private for-profit child care providers, including private for-profit family day care homes, ~~who shall be a nonvoting member.~~

l. A representative of faith-based child care providers, ~~who shall be a nonvoting member.~~

m. A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act, ~~who shall be a nonvoting member.~~

7. Including the members appointed by the Governor under subparagraph 5., more than one-third of the members of each early learning coalition must be private sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the coalition's school readiness program. To meet this requirement an early learning coalition must appoint additional members ~~from a list of nominees submitted to the coalition by a chamber of commerce or economic development council within the geographic region served by the coalition.~~ The Agency for Workforce Innovation shall establish criteria for appointing private sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program.

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

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

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

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

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

13. Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Coalition chairs shall be appointed for 4 years in conjunction with their membership on the Early Learning Advisory Council under s. 20.052. Appointed members may serve a

maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

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

~~(b) *Program participation.*—The school readiness program shall be established for children from birth to the beginning of the school year for which a child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. The program shall be administered by the early learning coalition. Within funding limitations, the early learning coalition, along with all providers, shall make reasonable efforts to accommodate the needs of children for extended-day and extended-year services without compromising the quality of the program.~~

(c) Program expectations.—

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

a. The program must, at a minimum, enhance the age-appropriate progress of each child in attaining the development of the school readiness skills required under paragraph (4)(j), as measured by the performance standards and outcome measures adopted by the Agency for Workforce Innovation.

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

c. The program There must provide a be coordinated professional staff development system that supports the achievement and maintenance of core competencies by school readiness instructors in helping children attain the performance standards and outcome measures adopted by the Agency for Workforce Innovation and teaching opportunities.

d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

e. There must be a single point of entry and unified waiting list. As used in this sub-subparagraph, the term “single point of entry” means an integrated information system that allows a parent to enroll his or her child in the school readiness program at various locations throughout a the county or multicounty region served by an early learning coalition, that may allow a parent to enroll his or her child by telephone or through an Internet website, and that uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program. The Agency for Workforce Innovation shall establish through technology a single statewide information system that each coalition must use for the purposes of managing the

~~integrates each early learning coalition's single point of entry, tracking children's progress, coordinating services among stakeholders, determining eligibility, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions and each coalition must use the statewide system.~~

f. The Agency for Workforce Innovation must consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by an early learning coalition. In addition, early learning coalitions shall use school readiness funds made available due to enrollment shifts from school readiness programs to the Voluntary Prekindergarten Education Program for increasing the number of children served in school readiness programs before increasing payment rates.

~~g. There must be a community plan to address the needs of all eligible children.~~

~~g.h.~~ The program must meet all state licensing guidelines, where applicable.

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

2. Each ~~The~~ early learning coalition must implement a comprehensive program of school readiness services in accordance with the rules adopted by the agency which ~~that~~ enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures adopted by the agency for Workforce Innovation. At a minimum, these programs must contain the following system support service elements:

a. Developmentally appropriate curriculum designed to enhance the age-appropriate progress of children in attaining the performance standards adopted by the Agency for Workforce Innovation under subparagraph (4)(d)8.

b. A character development program to develop basic values.

c. An age-appropriate screening assessment of each child's development.

d. An age-appropriate assessment ~~A~~ pretest administered to children when they enter a program and an age-appropriate assessment ~~a~~ posttest administered to children when they leave the program.

e. An appropriate staff-to-children ratio, pursuant to s. 402.305(4) or s. 402.302(7) or (8), as applicable, and as verified pursuant to s. 402.311.

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

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

The Agency for Workforce Innovation, the Department of Education, and early learning coalitions shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities pertaining to acquiring and composing data for child care training and credentialing.

(d) *Implementation.*—

1. An early learning coalition may not implement the school readiness program until the coalition is authorized through approval of the coalition's school readiness plan by the Agency for Workforce Innovation.

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

a. Implement the school readiness program to meet the requirements of this section and the system support services, performance standards, and outcome measures adopted by the Agency for Workforce Innovation.

b. ~~The plan must~~ Demonstrate how the program will ensure that each 3-year-old and 4-year-old child from birth through 5 years of age in a publicly funded school readiness program receives scheduled activities and instruction designed to enhance the age-appropriate progress of the children in attaining the performance standards adopted by the Agency for Workforce Innovation under subparagraph (4)(d)8.

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

Before implementing the school readiness program, the early learning coalition must submit the plan to the Agency for Workforce Innovation for approval. The Agency for Workforce Innovation may approve the plan, reject the plan, or approve the plan with conditions. The Agency for Workforce Innovation shall review school readiness plans at least every 2 years annually.

3. If the Agency for Workforce Innovation determines during the ~~annual~~ review of school readiness plans, or through monitoring and performance evaluations conducted under paragraph (4)(l), that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures adopted by the agency, or has not effectively administered the school readiness program or Voluntary Prekindergarten Education Program, the Agency for Workforce

Innovation may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the agency reestablishes the coalition and a new the coalition is reestablished through resubmission of a school readiness plan is approved in accordance with the rules adopted and approval by the agency.

4. The Agency for Workforce Innovation shall adopt rules establishing criteria for the approval of school readiness plans. The criteria must be consistent with the system support services, performance standards, and outcome measures adopted by the agency and must require each approved plan to include the following minimum standards and provisions for the school readiness program:

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

~~b.a.~~ A sliding fee scale establishing a copayment for parents based upon their ability to pay, which is the same for all program providers, ~~to be implemented and reflected in each program's budget.~~

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

~~e.~~ Instructional staff who have completed the training course as required in s. 402.305(2)(d)1., as well as staff who have additional training or credentials as required by the Agency for Workforce Innovation. The plan must provide a method for assuring the qualifications of all personnel in all program settings.

~~d.~~ Specific eligibility priorities for children within the early learning coalition's county or multicounty region in accordance with subsection (6).

e. Performance standards and outcome measures adopted by the Agency for Workforce Innovation.

f. Payment rates adopted by the early learning ~~coalitions~~ coalition and approved by the Agency for Workforce Innovation. Payment rates may not have the effect of limiting parental choice or creating standards or levels of services that have not been expressly established ~~authorized~~ by the Legislature, unless the creation of such standards or levels of service, which must be uniform throughout the state, have been approved by the Federal Government and result in the state being eligible to receive additional federal funds available for early learning on a statewide basis.

~~g.~~ Systems support services, including a central agency, child care resource and referral, eligibility determinations, training of providers, and parent support and involvement.

~~g.h.~~ Direct enhancement services for ~~to~~ families and children. System support and direct enhancement services shall be in addition to payments for

the placement of children in school readiness programs. Direct enhancement services for families may include parent training and involvement activities and strategies to meet the needs of unique populations and local eligibility priorities. Enhancement services for children may include provider supports and professional development approved in the plan by the Agency for Workforce Innovation.

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

i. The implementation of locally developed quality programs in accordance with the requirements adopted by the agency under subparagraph (4)(d)5.

j. Strategies to meet the needs of unique populations, such as migrant workers.

~~As part of the school readiness plan, The Agency for Workforce Innovation early learning coalition may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program. If a school readiness plan demonstrates that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, a request for a waiver to the Agency for Workforce Innovation may be submitted as part of the plan. Upon review, the Agency for Workforce Innovation may grant the proposed modification.~~

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

6. An early learning coalition may not implement its school readiness plan until it submits the plan to and receives approval from the Agency for Workforce Innovation. Once the plan is approved, the plan and the services provided under the plan shall be controlled by the early learning coalition. The plan shall be reviewed and revised as necessary, but at least biennially. An early learning coalition may not implement the revisions until the coalition submits the revised plan to and receives approval from the Agency for Workforce Innovation. If the Agency for Workforce Innovation rejects a revised plan, the coalition must continue to operate under its prior approved plan.

7. ~~Sections 125.901(2)(a)3., 411.221, and 411.232 do not apply to an early learning coalition with an approved school readiness programs plan. The Agency for Workforce Innovation To facilitate innovative practices and to allow the regional establishment of school readiness programs, an early~~

learning coalition may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. 411.223, 411.232, and 1003.54, if the waiver is necessary for implementation of the coalition's school readiness programs plan.

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

9.—An early learning coalition may, subject to approval by The Agency for Workforce Innovation as part of the coalition's school readiness plan, receive subsidized child care funds for all children eligible for any federal subsidized child care program.

10.—An early learning coalition may enter into multiparty contracts with multicounty service providers in order to meet the needs of unique populations such as migrant workers.

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

1. Each early learning coalition must comply with the procurement and expenditure procedures adopted by the Agency for Workforce Innovation, including, but not limited to, applying the procurement and expenditure procedures required by federal law for the expenditure of federal funds s. 287.057 for the procurement of commodities or contractual services from the funds described in paragraph (9)(d). The period of a contract for purchase of these commodities or contractual services, together with any renewal of the original contract, may not exceed 3 years.

2. Each early learning coalition shall adopt a payment schedule that encompasses all programs funded by the coalition under this section. The payment schedule must take into consideration the prevailing relevant market rate, must include the projected number of children to be served, and must be submitted for approval by the Agency for Workforce Innovation. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted developed for a family day care home.

(f) *Requirements relating to fiscal agents.*—If an early learning coalition is not legally organized as a corporation or other business entity, the coalition must designate a fiscal agent, which may be a public entity, a private nonprofit organization, or a certified public accountant who holds a license under chapter 473. The fiscal agent must provide financial and administrative services under a contract with the early learning coalition. The fiscal agent may not provide direct early childhood education or child care services; however, a fiscal agent may provide those services upon written request of the early learning coalition to the Agency for Workforce Innovation and upon the approval of the request by the agency. The cost of the financial and administrative services shall be negotiated between the fiscal agent and the early learning coalition. If the fiscal agent is a provider of early childhood education and child care programs, the contract must specify that the fiscal agent shall act on policy direction from the early learning coalition and must

not receive policy direction from its own corporate board regarding disbursement of the coalition's funds. The fiscal agent shall disburse funds in accordance with the early learning coalition's approved school readiness plan and based on billing and disbursement procedures approved by the Agency for Workforce Innovation. The fiscal agent must conform to all data-reporting requirements established by the Agency for Workforce Innovation.

~~(f)(g)~~ *Evaluation and annual report.*—Each early learning coalition shall conduct an evaluation of its implementation ~~the effectiveness of the school readiness program, including system support services,~~ performance standards, and outcome measures, and shall provide an annual report and fiscal statement to the Agency for Workforce Innovation. This report must also include an evaluation of the effectiveness of its direct enhancement services ~~and~~ conform to the content and format specifications adopted set by the Agency for Workforce Innovation. The Agency for Workforce Innovation must include an analysis of the early learning coalitions' reports in the agency's annual report.

(6) PROGRAM ELIGIBILITY.—~~The~~ Each early learning coalition's school readiness program is ~~shall be~~ established for children from birth to the beginning of the school year for which a child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2. or who are eligible for any federal subsidized child care program. Each early learning coalition shall give priority for participation in the school readiness program as follows:

(a) Priority shall be given first to a child from a family in which there is an adult receiving temporary cash assistance who is subject to federal work requirements.

(b) Priority shall be given next to a child who is eligible for a school readiness program but who has not yet entered children age 3 years to school, entry who is are served by the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency under chapter 39 or chapter 409, and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment.

(c) Subsequent priority shall be given to a child ~~Other eligible populations include children who~~ meets ~~meet~~ one or more of the following criteria:

1.(a) A child who is younger than Children under the age of kindergarten eligibility and who are:

1.—Children determined to be at risk of abuse, neglect, or exploitation who are currently clients of the Family Safety Program Office of the Department of Children and Family Services, but who are not otherwise given priority under this subsection.

a.2. Is Children at risk of welfare dependency, including an economically disadvantaged child children, a child children of a participant participants in the welfare transition program, a child of a migratory agricultural worker

~~children of migrant farmworkers, or a child and children of a teen parent parents.~~

~~b.3. Is a member Children of a working family that is economically disadvantaged families whose family income does not exceed 150 percent of the federal poverty level.~~

~~c.4.—Children For whom financial assistance is provided through the state is paying a Relative Caregiver Program payment under s. 39.5085.~~

~~2.(b) A 3-year-old child or Three-year-old children and 4-year-old child children who may not be economically disadvantaged but who has a disability; has have disabilities, have been served in a specific part-time exceptional education program or a combination of part-time exceptional education programs with required special services, aids, or equipment; and was were previously reported for funding part time under with the Florida Education Finance Program as an exceptional student students.~~

~~3.(e) An economically disadvantaged child children, a child children with a disability disabilities, or a child and children at risk of future school failure, from birth to 4 years of age, who is are served at home through a home visitor program programs and an intensive parent education program programs.~~

~~4.(d) A child Children who meets meet federal and state eligibility requirements for the migrant preschool program but who is do not meet the criteria of economically disadvantaged.~~

As used in this paragraph subsection, the term “economically disadvantaged” child means having a child whose family income that does not exceed 150 percent of the federal poverty level. Notwithstanding any change in a family’s economic status, but subject to additional family contributions in accordance with the sliding fee scale, a child who meets the eligibility requirements upon initial registration for the program remains eligible until the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

(7) PARENTAL CHOICE.—

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

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

(c) The school readiness program shall, in accordance with 45 C.F.R. s. 98.30, provide parental choice through a payment certificate purchase service order that ensures, to the maximum extent possible, flexibility in the school readiness program programs and payment arrangements. According to federal regulations requiring parental choice, a parent may choose an informal child care arrangement. The payment certificate purchase order must bear the names name of the beneficiary and the

program provider and, when redeemed, must bear the signatures signature of both the beneficiary and an authorized representative of the provider.

(d)(b) If it is determined that a provider has given ~~provided~~ any cash to the beneficiary in return for receiving a payment certificate ~~the purchase order~~, the early learning coalition or its fiscal agent shall refer the matter to the Division of Public Assistance Fraud for investigation.

(e)(e) The office of the Chief Financial Officer shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. Each early learning coalition shall fully implement the electronic funds transfer system within 2 years after approval of the coalition's school readiness plan, unless a waiver is obtained from the Agency for Workforce Innovation.

(8) STANDARDS; OUTCOME MEASURES.—A program provider participating in the All school readiness program ~~programs~~ must meet the performance standards and outcome measures adopted by the Agency for Workforce Innovation.

(9) FUNDING; SCHOOL READINESS PROGRAM.—

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

(b)1. The Agency for Workforce Innovation shall administer school readiness funds, plans, and policies and shall prepare and submit a unified budget request for the school readiness system in accordance with chapter 216.

2. All instructions to early learning coalitions for administering this section shall emanate from the Agency for Workforce Innovation in accordance with the policies of the Legislature.

(c) The Agency for Workforce Innovation, subject to legislative notice and review under s. 216.177, shall establish ~~recommend~~ a formula for the allocation ~~among the early learning coalitions~~ of all state and federal school readiness funds provided for children participating in the public or private school readiness program, whether served by a public or private provider, ~~programs~~ based upon equity for each county and performance. The allocation formula must be submitted to the Governor, the chair of the Senate Ways and Means Committee or its successor, and the chair of the House of Representatives Fiscal Council or its successor no later than January 1 of each year. ~~If the Legislature specifies~~ shall specify in the annual General Appropriations Act any changes to ~~from the allocation formula, methodology for the prior fiscal year which must be used by the Agency for Workforce Innovation shall allocate funds as specified in allocating the appropriations provided in the General Appropriations Act.~~

(d) All state, federal, and required local maintenance-of-effort, or matching funds provided to an early learning coalition for purposes of this section shall be used ~~by the coalition~~ for implementation of its approved school readiness plan, including the hiring of staff to effectively operate the coalition’s school readiness program. As part of plan approval and periodic plan review, The Agency for Workforce Innovation shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the school readiness plan, but total administrative expenditures must not exceed 5 percent unless specifically waived by the Agency for Workforce Innovation. The Agency for Workforce Innovation shall annually report to the Legislature any problems relating to administrative costs.

(e) The Agency for Workforce Innovation shall annually distribute, to a maximum extent practicable, all eligible funds provided under this section as block grants to the early learning coalitions in accordance with the terms and conditions specified by the agency.

~~(f) State funds appropriated for the school readiness program may not be used for the construction of new facilities or the purchase of buses. The Agency for Workforce Innovation shall present to the Legislature recommendations for providing necessary transportation services for school readiness programs.~~

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

(10) CONFLICTING PROVISIONS.—~~If In the event of a conflict exists~~ between this section and federal requirements, the federal requirements shall control.

~~(11) PLACEMENTS.—Notwithstanding any other provision of this section to the contrary, the first children to be placed in the school readiness program shall be those from families receiving temporary cash assistance and subject to federal work requirements. Subsequent placements shall be made in accordance with subsection (6).~~

Section 18. Section 411.0101, Florida Statutes, is amended to read:

411.0101 Child care and early childhood resource and referral.—

(1) As a part of the school readiness programs, the Agency for Workforce Innovation shall establish a statewide child care resource and referral network that is unbiased and provides referrals to families for child care. Preference shall be given to using the already established early learning coalitions as the child care resource and referral ~~agencies~~ agency. If an early learning coalition cannot comply with the requirements to offer the resource information component or does not want to offer that service, the early learning coalition shall select the resource and referral ~~information~~ agency

for its county or multicounty region based upon a request for proposal pursuant to s. 411.01(5)(e)1.

(2) At least one child care resource and referral agency must be established in each early learning coalition's county or multicounty region. The Agency for Workforce Innovation shall adopt rules regarding accessibility of child care resource and referral services offered through child care resource and referral agencies in each county or multicounty region which include, at a minimum, required hours of operation, methods by which parents may request services, and child care resource and referral staff training requirements.

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

(a)(1) Identification of existing public and private child care and early childhood education services, including child care services by public and private employers, and the development of a resource file of those services through the single statewide information system developed by the Agency for Workforce Innovation under s. 411.01(5)(c)1.e. These services may include family day care, public and private child care programs, the Voluntary Prekindergarten Education Program, Head Start, the school readiness program prekindergarten early intervention programs, special education programs for prekindergarten handicapped children with disabilities, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, vacation care programs, parent education, the WAGES Program, and related family support services. The resource file shall include, but not be limited to:

- 1.(a) Type of program.
- 2.(b) Hours of service.
- 3.(c) Ages of children served.
- 4.(d) Number of children served.
- 5.(e) Significant program information.
- 6.(f) Fees and eligibility for services.
- 7.(g) Availability of transportation.

(b)(2) The establishment of a referral process that which responds to parental need for information and that which is provided with full recognition of the confidentiality rights of parents. The resource and referral network programs shall make referrals to legally operating licensed child care facilities. Referrals may not shall be made to a an unlicensed child care facility that is operating illegally or arrangement only if there is no requirement that the facility or arrangement be licensed.

(c)(3) Maintenance of ongoing documentation of requests for service tabulated through the internal referral process through the single statewide information system. The following documentation of requests for service shall be maintained by the all child care resource and referral network agencies:

1.(a) Number of calls and contacts to the child care resource information and referral network agency component by type of service requested.

2.(b) Ages of children for whom service was requested.

3.(c) Time category of child care requests for each child.

4.(d) Special time category, such as nights, weekends, and swing shift.

5.(e) Reason that the child care is needed.

6.(f) Name of the employer and primary focus of the business.

(d)(4) Provision of technical assistance to existing and potential providers of child care services. This assistance may include:

1.(a) Information on initiating new child care services, zoning, and program and budget development and assistance in finding such information from other sources.

2.(b) Information and resources which help existing child care services providers to maximize their ability to serve children and parents in their community.

3.(c) Information and incentives that may which could help existing or planned child care services offered by public or private employers seeking to maximize their ability to serve the children of their working parent employees in their community, through contractual or other funding arrangements with businesses.

(e)(5) Assistance to families and employers in applying for various sources of subsidy including, but not limited to, the Voluntary Prekindergarten Education Program, the school readiness program ~~subsidized child care, Head Start, prekindergarten early intervention programs, Project Independence, private scholarships, and the federal child and dependent care tax credit.~~

~~(6) Assistance to state agencies in determining the market rate for child care.~~

~~(f)(7) Assistance in negotiating discounts or other special arrangements with child care providers.~~

~~(8) Information and assistance to local interagency councils coordinating services for prekindergarten handicapped children.~~

(g)(9) Assistance to families in identifying summer recreation camp and summer day camp programs, ~~and in evaluating the health and safety qualities of summer recreation camp and summer day camp programs, and in evaluating the health and safety qualities of summer camp programs.~~ Contingent upon specific appropriation, a checklist of important health and safety qualities that parents can use to choose their summer camp programs shall be developed and distributed in a manner that will reach parents interested in such programs for their children.

(h)(10) A child care facility licensed under s. 402.305 and licensed and registered family day care homes must provide the statewide child care and resource and referral network agencies with the following information annually:

- 1.(a) Type of program.
- 2.(b) Hours of service.
- 3.(c) Ages of children served.
- 4.(d) Fees and eligibility for services.

(4)(11) The Agency for Workforce Innovation shall adopt any rules necessary for the implementation and administration of this section.

Section 19. Subsection (3), paragraph (b) of subsection (4), and paragraphs (c) and (d) of subsection (5) of section 411.0102, Florida Statutes, are amended to read:

411.0102 Child Care Executive Partnership Act; findings and intent; grant; limitation; rules.—

(3) There is created a body politic and corporate known as the Child Care Executive Partnership which shall establish and govern the Child Care Executive Partnership Program. The purpose of the Child Care Executive Partnership Program is to utilize state and federal funds as incentives for matching local funds derived from local governments, employers, charitable foundations, and other sources, so that Florida communities may create local flexible partnerships with employers. The Child Care Executive Partnership Program funds shall be used at the discretion of local communities to meet the needs of working parents. A child care purchasing pool shall be developed with the state, federal, and local funds to provide subsidies to low-income working parents whose family income does not exceed the allowable income for any federally subsidized child care program ~~who are eligible for subsidized child care~~ with a dollar-for-dollar match from employers, local government, and other matching contributions. The funds used from the child care purchasing pool must be used to supplement or extend the use of existing public or private funds.

(4) The Child Care Executive Partnership, staffed by the Agency for Workforce Innovation, shall consist of a representative of the Executive

Office of the Governor and nine members of the corporate or child care community, appointed by the Governor.

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

(5)

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

1. Matching the state purchasing pool funds on a dollar-for-dollar basis; and
2. Expending only those public funds which are matched by employers, local government, and other matching contributors who contribute to the purchasing pool. Parents shall also pay a fee, which may not shall be not less than the amount identified in the early learning coalition’s school readiness program subsidized child care sliding fee scale.

~~(d) Each early learning coalition board shall be required to establish a community child care task force for each child care purchasing pool. The task force must be composed of employers, parents, private child care providers, and one representative from the local children’s services council, if one exists in the area of the purchasing pool. The early learning coalition is expected to recruit the task force members from existing child care councils, commissions, or task forces already operating in the area of a purchasing pool. A majority of the task force shall consist of employers. Each task force shall develop a plan for the use of child care purchasing pool funds. The plan must show how many children will be served by the purchasing pool, how many will be new to receiving child care services, and how the early learning coalition intends to attract new employers and their employees to the program.~~

Section 20. Paragraph (b) of subsection (8) of section 411.203, Florida Statutes, is amended to read:

411.203 Continuum of comprehensive services.—The Department of Education and the Department of Health and Rehabilitative Services shall utilize the continuum of prevention and early assistance services for high-risk pregnant women and for high-risk and handicapped children and their families, as outlined in this section, as a basis for the intraagency and

interagency program coordination, monitoring, and analysis required in this chapter. The continuum shall be the guide for the comprehensive statewide approach for services for high-risk pregnant women and for high-risk and handicapped children and their families, and may be expanded or reduced as necessary for the enhancement of those services. Expansion or reduction of the continuum shall be determined by intraagency or interagency findings and agreement, whichever is applicable. Implementation of the continuum shall be based upon applicable eligibility criteria, availability of resources, and interagency prioritization when programs impact both agencies, or upon single agency prioritization when programs impact only one agency. The continuum shall include, but not be limited to:

(8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS OF HIGH-RISK CHILDREN.—

(b) Child care and early childhood programs, including, but not limited to, ~~subsidized child care~~, licensed ~~nonsubsidized child care facilities~~, family day care homes, therapeutic child care, Head Start, and preschool programs in public and private schools.

Section 21. Subsection (2) of section 411.221, Florida Statutes, is amended to read:

411.221 Prevention and early assistance strategic plan; agency responsibilities.—

(2) The strategic plan and subsequent plan revisions shall incorporate and otherwise utilize, to the fullest extent possible, the evaluation findings and recommendations from intraagency, independent third-party, field projects, and reports issued by the Auditor General or the Office of Program Policy Analysis and Government Accountability, as well as the recommendations of the Agency for Workforce Innovation State Coordinating Council for School Readiness Programs.

Section 22. Paragraph (c) of subsection (4) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(4) PRIORITIZATION OF WORK REQUIREMENTS.—Regional workforce boards shall require participation in work activities to the maximum extent possible, subject to federal and state funding. If funds are projected to be insufficient to allow full-time work activities by all program participants who are required to participate in work activities, regional workforce boards shall screen participants and assign priority based on the following:

(c) A participant who has access to ~~subsidized or unsubsidized child care services~~ may be assigned priority for work activities.

Regional workforce boards may limit a participant's weekly work requirement to the minimum required to meet federal work activity requirements.

Regional workforce boards may develop screening and prioritization procedures based on the allocation of resources, the availability of community resources, the provision of supportive services, or the work activity needs of the service area.

Section 23. Subsection (2) of section 445.030, Florida Statutes, is amended to read:

445.030 Transitional education and training.—In order to assist former recipients of temporary cash assistance who are working or actively seeking employment in continuing their training and upgrading their skills, education, or training, support services may be provided for up to 2 years after the family is no longer receiving temporary cash assistance. This section does not constitute an entitlement to transitional education and training. If funds are not sufficient to provide services under this section, the board of directors of Workforce Florida, Inc., may limit or otherwise prioritize transitional education and training.

(2) Regional workforce boards may authorize child care or other support services in addition to services provided in conjunction with employment. For example, a participant who is employed full time may receive subsidized child care services related to that employment and may also receive additional subsidized child care services in conjunction with training to upgrade the participant's skills.

Section 24. Paragraph (a) of subsection (2) of section 490.014, Florida Statutes, is amended to read:

490.014 Exemptions.—

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

(a) Is a salaried employee of a government agency; a developmental disability facility or program; a mental health, alcohol, or drug abuse facility operating under chapter 393, chapter 394, or chapter 397; the statewide subsidized child care program, subsidized child care case management program, or child care resource and referral network program operating under s. 411.0101 pursuant to chapter 402; a child-placing or child-caring agency licensed pursuant to chapter 409; a domestic violence center certified pursuant to chapter 39; an accredited academic institution; or a research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution, so long as the employee is not held out to the public as a psychologist pursuant to s. 490.012(1)(a).

Section 25. Paragraph (a) of subsection (4) of section 491.014, Florida Statutes, is amended to read:

491.014 Exemptions.—

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

(a) Is a salaried employee of a government agency; a developmental disability facility or program; ~~a~~ mental health, alcohol, or drug abuse facility operating under chapter 393, chapter 394, or chapter 397; ~~the statewide subsidized child care program, subsidized child care case management program, or child care resource and referral~~ network program operating under s. 411.0101 pursuant to chapter 402; a child-placing or child-caring agency licensed pursuant to chapter 409; a domestic violence center certified pursuant to chapter 39; ~~an~~ accredited academic institution; or a research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution, so long as the employee is not held out to the public as a clinical social worker, mental health counselor, or marriage and family therapist.

Section 26. Subsection (5) of section 1002.53, Florida Statutes, is amended to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(5) The early learning coalition shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every private prekindergarten provider and public school delivering the program within the coalition's county where the child is being enrolled ~~or multicounty region~~. The profiles shall be provided to parents in a format prescribed by the Agency for Workforce Innovation. The profiles must include, at a minimum, the following information about each provider and school:

(a) The provider's or school's services, curriculum, instructor credentials, and instructor-to-student ratio; and

(b) The provider's or school's kindergarten readiness rate calculated in accordance with s. 1002.69, based upon the most recent available results of the statewide kindergarten screening.

Section 27. Paragraph (b) of subsection (3) of section 1002.55, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

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

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

(b) The private prekindergarten provider must:

1. Be accredited by an accrediting association that is a member of the National Council for Private School Accreditation, or the Florida Association

of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, or Western Association of Colleges and Schools, or North Central Association of Colleges and Schools, or Middle States Association of Colleges and Schools, or New England Association of Colleges and Schools; and have written accreditation standards that meet or exceed the state's licensing requirements under s. 402.305, s. 402.313, or s.402.3131 and require at least one onsite visit to the provider or school before accreditation is granted;

~~1. Be accredited by an accrediting association that is a member of the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools and have written accreditation standards that meet or exceed the state's licensing requirements under s. 402.305, s. 402.313, or s. 402.3131 and require at least one onsite visit to the provider or school before accreditation is granted;~~

2. Hold a current Gold Seal Quality Care designation under s. 402.281; or

3. Be licensed under s. 402.305, s. 402.313, or s. 402.3131 and demonstrate, before delivering the Voluntary Prekindergarten Education Program, as verified by the early learning coalition, that the provider meets each of the requirements of the program under this part, including, but not limited to, the requirements for credentials and background screenings of prekindergarten instructors under paragraphs (c) and (d), minimum and maximum class sizes under paragraph (f), prekindergarten director credentials under paragraph (g), and a developmentally appropriate curriculum under s. 1002.67(2)(b).

(5) Notwithstanding paragraph (3)(b), a private prekindergarten provider may not participate in the Voluntary Prekindergarten Education Program if the provider has child disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking, or any other form of physical punishment as provided in s. 402.305(12).

Section 28. Effective May 31, 2010, paragraph (c) of subsection (3) of section 1002.67, Florida Statutes, is amended to read:

1002.67 Performance standards; curricula and accountability.—

(3)

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

2. If a private prekindergarten provider or public school fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) for 2 consecutive years, the early learning coalition or school district, as applicable, shall place the provider or school on probation and must require the provider or school to take certain corrective actions, including the use of a curriculum approved by the department under paragraph (2)(c).

3. A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 2., including the use of a curriculum approved by the department, until the provider or school meets the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6).

4. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the department pursuant to s. 1002.69(7), the Agency for Workforce Innovation shall require the early learning coalition or the Department of Education shall require the school district, ~~as applicable,~~ to remove, as applicable, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.

Section 29. Paragraph (b) of subsection (6) of section 1002.71, Florida Statutes, is amended to read:

1002.71 Funding; financial and attendance reporting.—

(6)

(b)1. Each private prekindergarten provider’s and district school board’s attendance policy must require the parent of each student in the Voluntary Prekindergarten Education Program to verify, each month, the student’s attendance on the prior month’s certified student attendance.

2. The parent must submit the verification of the student’s attendance to the private prekindergarten provider or public school on forms prescribed by the Agency for Workforce Innovation. The forms must include, in addition to the verification of the student’s attendance, a certification, in substantially the following form, that the parent continues to choose the private prekindergarten provider or public school in accordance with s. 1002.53 and directs that payments for the program be made to the provider or school:

VERIFICATION OF STUDENT’S ATTENDANCE
AND CERTIFICATION OF PARENTAL CHOICE

I, ...(Name of Parent)..., swear (or affirm) that my child,...(Name of Student)..., attended the Voluntary Prekindergarten Education Program on the days listed above and certify that I continue to choose ...(Name of

Provider or School)... to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

...(Signature of Parent)...

...(Date)...

3. The private prekindergarten provider or public school must keep each original signed form for at least 2 years. Each private prekindergarten provider must permit the early learning coalition, and each public school must permit the school district, to inspect the original signed forms during normal business hours. The Agency for Workforce Innovation shall adopt procedures for early learning coalitions and school districts to review the original signed forms against the certified student attendance. The review procedures shall provide for the use of selective inspection techniques, including, but not limited to, random sampling. Each early learning coalition and the school districts district must comply with the review procedures.

Section 30. Effective May 31, 2010, subsection (7) is added to section 1002.69, Florida Statutes, to read:

1002.69 Statewide kindergarten screening; kindergarten readiness rates.—

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

(b) A private prekindergarten provider’s or public school’s request for a good cause exemption, or renewal of such an exemption, must be submitted to the state board in the manner and within the timeframes prescribed by the state board and must include the following:

1. Submission of data by the private prekindergarten provider or public school which documents on a standardized assessment the achievement and progress of the children served.

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

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

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

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

2. Verification that the private prekindergarten provider or public school serves at least twice the statewide percentage of children with disabilities as defined in s. 1003.01(3)(a) or children identified as limited English proficient as defined in s. 1003.56.

3. Verification that local and state health and safety requirements are met.

(d) A good cause exemption may not be granted to any private prekindergarten provider that has any class I violations or two or more class II violations within the 2 years preceding the provider's or school's request for the exemption. For purposes of this paragraph, class I and class II violations have the same meaning as provided in s. 402.281(3).

(e) A private prekindergarten provider or public school granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under s. 1002.67(3)(c)2., including the use of a curriculum approved by the department, until the provider or school meets the minimum rate adopted under subsection (6).

(f) The State Board of Education shall notify the Agency for Workforce Innovation of any good cause exemption granted to a private prekindergarten provider under this subsection. If a good cause exemption is granted to a private prekindergarten provider who remains on probation for 2 consecutive years, the Agency for Workforce Innovation shall notify the early learning coalition of the good cause exemption and direct that the coalition, notwithstanding s. 1002.67(3)(c)4., not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program, if the provider meets all other applicable requirements of this part.

Section 31. Effective May 31, 2010, paragraph (d) is added to subsection (2) of section 1002.73, Florida Statutes, to read:

1002.73 Department of Education; powers and duties; accountability requirements.—

(2) The department shall adopt procedures for the department's:

(d) Granting of a private prekindergarten provider's or public school's request for a good cause exemption under s. 1002.69(7).

Section 32. Paragraph (b) of subsection (4) of section 1009.64, Florida Statutes, is amended to read:

1009.64 Certified Education Paraprofessional Welfare Transition Program.—

(4) The agencies shall complete an implementation plan that addresses at least the following recommended components of the program:

(b) A budget for use of incentive funding to provide motivation to participants to succeed and excel. The budget for incentive funding includes:

1. Funds allocated by the Legislature directly for the program.
2. Funds that may be made available from the federal Workforce Investment Act based on client eligibility or requested waivers to make the clients eligible.
3. Funds made available by implementation strategies that would make maximum use of work supplementation funds authorized by federal law.
4. Funds authorized by strategies to lengthen participants' eligibility for federal programs such as Medicaid, ~~subsidized~~ child care services, and transportation.

Incentives may include a stipend during periods of college classroom training, a bonus and recognition for a high grade-point average, child care and prekindergarten services for children of participants, and services to increase a participant's ability to advance to higher levels of employment. Nonfinancial incentives should include providing a mentor or tutor, and service incentives should continue and increase for any participant who plans to complete the baccalaureate degree and become a certified teacher. Services may be provided in accordance with family choice by community colleges and school district career centers, through family service centers and full-service schools, or under contract with providers through central agencies.

Section 33. Subsection (4) of section 125.901, Florida Statutes, is amended to read:

125.901 Children's services; independent special district; council; powers, duties, and functions; public records exemption.—

(4)(a) Any district created pursuant to ~~the provisions of~~ this section may be dissolved by a special act of the Legislature, or the county governing body may by ordinance dissolve the district subject to the approval of the electorate.

(b)1.a. Notwithstanding paragraph (a), the governing body of the county shall submit the question of retention or dissolution of a district with voter-

approved taxing authority to the electorate in the general election according to the following schedule:

(I) For a district in existence on July 1, 2010, and serving a county with a population of 400,000 or fewer persons as of that date..... 2014.

(II) For a district in existence on July 1, 2010, and serving a county with a population of more than 400,000 but fewer than 2 million persons as of that date..... 2016.

(III) For a district in existence on July 1, 2010, and serving a county with a population of 2 million or more persons as of that date.....2020.

b. A referendum by the electorate on or after July 1, 2010, creating a new district with taxing authority may specify that the district is not subject to reauthorization or may specify the number of years for which the initial authorization shall remain effective. If the referendum does not prescribe terms of reauthorization, the governing body of the county shall submit the question of retention or dissolution of the district to the electorate in the general election 12 years after the initial authorization.

2. The governing board of the district may specify, and submit to the governing body of the county no later than nine months before the scheduled election, that the district is not subsequently subject to reauthorization or may specify the number of years for which a reauthorization under this paragraph shall remain effective. If the governing board of the district makes such specification and submission, the governing body of the county shall include that information in the question submitted to the electorate. If the governing board of the district does not specify and submit such information, the governing body of the county shall resubmit the question of reauthorization to the electorate every 12 years after the year prescribed in subparagraph 1. The governing board of the district may recommend to the governing body of the county language for the question submitted to the electorate.

3. Nothing in this paragraph limits the authority to dissolve a district as provided under paragraph (a).

4. Nothing in this paragraph precludes the governing board of a district from requesting that the governing body of the county submit the question of retention or dissolution of a district with voter-approved taxing authority to the electorate at a date earlier than the year prescribed in subparagraph (b)1. If the governing body of the county accepts the request and submits the question to the electorate, the governing body satisfies the requirement of that subparagraph.

If any district is dissolved pursuant to the provisions of this subsection, each county ~~must~~ shall first obligate itself to assume the debts, liabilities, contracts, and outstanding obligations of the district within the total millage available to the county governing body for all county and municipal purposes

as provided for under s. 9, Art. VII of the State Constitution. Any district may also be dissolved pursuant to ~~the provisions of~~ s. 189.4042.

Section 34. Notwithstanding s. 31 of chapter 90-288, Laws of Florida, the revisions made by this act to s. 125.901, Florida Statutes, apply to any special district having taxing authority to provide funding for children's services, and governed by a council on children's services, which is in existence on the effective date of this act and to any such district created on or after the effective date of this act.

Section 35. Except as otherwise expressly provided in this act and except for this section, which shall take effect May 31, 2010, this act shall take effect July 1, 2010.

Approved by the Governor June 4, 2010.

Filed in Office Secretary of State June 4, 2010.