

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED        (Y/N)  
ADOPTED AS AMENDED        (Y/N)  
ADOPTED W/O OBJECTION        (Y/N)  
FAILED TO ADOPT        (Y/N)  
WITHDRAWN        (Y/N)  
OTHER           

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1 Committee/Subcommittee hearing PCB: Business & Consumer Affairs  
2 Subcommittee

3 Representative Ahern offered the following:

4  
5 **Amendment**

6 Remove everything after the enacting clause and insert:

7  
8 Section 1. Chapter 431, Florida Statutes, consisting of  
9 sections 431.01, 431.03, 431.05, 431.07, 431.09, 431.11, 431.13,  
10 431.15, 431.17, 431.19, 431.23, and 431.41, is created to read:

11 CHAPTER 431

12 EARLY LEARNING

13 431.01 Short title.—This chapter may be cited as the  
14 "School Readiness Act."

15 431.03 Definitions.—As used in this chapter, the term:

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

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

21 (a) A child from a family under investigation for child  
22 abuse, neglect, abandonment, or exploitation by the Department  
23 of Children and Family Services or a designated sheriff's  
24 office.

25 (b) A child in a diversion program provided by the  
26 Department of Children and Family Services or its contracted  
27 provider who is from a family that is actively participating and  
28 complying in department-prescribed activities, including  
29 education, health services, or work.

30 (c) A child from a family that is under supervision by the  
31 Department of Children and Family Services or a contracted  
32 service provider for abuse, neglect, abandonment, or  
33 exploitation.

34 (d) A child placed in court-ordered, long-term custody or  
35 under the guardianship of a relative or nonrelative after  
36 termination of supervision by the Department of Children and  
37 Family Services or its contracted provider.

38 (3) "Authorized hours of care" means the hours of care  
39 that are necessary to provide protection or complete work  
40 activities or eligible educational activities, including  
41 reasonable travel time.

42 (4) "Coalition" means an early learning coalition  
43 established under s. 431.07.

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

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48       (6) "Economically disadvantaged" means having a family  
49 income that does not exceed 150 percent of the federal poverty  
50 level.

51       (7) "Family income" means the combined gross income,  
52 whether earned or unearned, that is derived from any source by  
53 all family or household members who are 18 years of age or older  
54 and currently reside together in the same dwelling unit. The  
55 term does not include income earned by a currently enrolled high  
56 school student who, since attaining the age of 18 years, has not  
57 terminated school enrollment or received a high school diploma,  
58 high school equivalency diploma, special diploma, or certificate  
59 of high school completion. The term also does not include food  
60 stamp benefits or federal housing assistance payments issued  
61 directly to a landlord or the associated utilities expenses.

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

67       (9) "Fraud" means an intentional deception or  
68 misrepresentation made by a person with knowledge that the  
69 deception or misrepresentation may result in unauthorized  
70 benefit to that person or another person. The term includes any  
71 act that constitutes fraud under applicable federal or state  
72 law.

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

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76       (11) "Gold Seal premium percentage" means a specified  
77 percentage provided in the General Appropriations Act that, for  
78 a school readiness provider that has the Gold Seal Quality Care  
79 designation under s. 402.281, is applied to the provider's  
80 adjusted payment rate.

81       (12) "Informal child care provider" means, to the extent  
82 authorized in the state's Child Care and Development Fund Plan  
83 as approved by the United States Department of Health and Human  
84 Services pursuant to 45 C.F.R. s. 98.18, an in-home child care  
85 provider as defined in 45 C.F.R. s. 98.2 or a relative, such as  
86 a grandparent, great grandparent, aunt, uncle, or sibling who  
87 provides care for the child.

88       (13) "In loco parentis" means acting as a child's  
89 temporary guardian.

90       (14) "Market rate" means the price that a child care or  
91 early childhood education provider charges for full-time or  
92 part-time daily, weekly, or monthly child care or early  
93 childhood education services.

94       (15) "Office" means the Office of Early Learning of the  
95 Department of Education established under s. 20.15(3)(h).

96       (16) "Parent" means a parent by blood, marriage, or  
97 adoption; a legal guardian; or another person standing in loco  
98 parentis.

99       (17) "Part-time care" means less than 6 hours of child  
100 care or early childhood education services within a 24-hour  
101 period.

102       (18) "Payment certificate" means a child care certificate  
103 as defined in 45 C.F.R. s. 98.2.

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104 (19) "Prevailing market rate" means the biennially  
105 determined statewide median of the market rate for child care  
106 and early childhood education services.

107 (20) "Single point of entry" means an integrated  
108 information system that allows a parent to enroll his or her  
109 child in the school readiness program at various locations  
110 throughout a county, that may allow a parent to enroll his or  
111 her child by telephone or through an Internet website, and that  
112 uses a unified waiting list to track eligible children waiting  
113 for enrollment in the school readiness program.

114 (21) "Unearned income" means income other than earned  
115 income. The term includes, but is not limited to:

116 (a) Documented alimony and child support received.

117 (b) Social security benefits.

118 (c) Supplemental security income benefits.

119 (d) Workers' compensation benefits.

120 (e) Unemployment compensation benefits.

121 (f) Veterans' benefits.

122 (g) Retirement benefits.

123 (h) Temporary cash assistance under chapter 414.

124 (i) Military housing assistance under the federal Family  
125 Subsistence Supplemental Allowance Program.

126 (22) "Working family" means:

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

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

133 (c) A family in which the parents, as prescribed by rules  
134 adopted by the office, are exempt from work requirements due to  
135 age or a disability as determined and documented by a physician  
136 licensed under chapter 458 or chapter 459.

137 431.05 Office of Early Learning; powers and duties.-

138 (1) The Governor shall designate the Office of Early  
139 Learning as the lead agency for administration of the federal  
140 Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and  
141 the office shall comply with the lead agency responsibilities  
142 under federal law.

143 (2) The office shall:

144 (a) Administer the school readiness program at the state  
145 level and coordinate with the early learning coalitions to  
146 ensure the availability of school readiness services to support  
147 the efforts of parents to work and be financially self-  
148 sufficient and to enhance the quality of child care programs in  
149 the state.

150 (b) Provide the school readiness services authorized in  
151 this chapter in a manner that ensures the preservation of  
152 parental choice.

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

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158 (d) Maintain a single statewide information system that  
159 each coalition must use for the purposes of managing the single  
160 point of entry, tracking children's progress, coordinating  
161 services among stakeholders, determining eligibility, tracking  
162 child attendance, and streamlining administrative processes for  
163 providers and coalitions.

164 (e) Ensure statewide access to school readiness services  
165 throughout every county.

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

169 (g) Approve school readiness plans annually.

170 (h) Monitor and evaluate the performance of each coalition  
171 in administering the school readiness program, ensuring proper  
172 payments of school readiness benefits, and implementing the  
173 coalition's school readiness plan. These monitoring and  
174 performance evaluations must include, at a minimum, onsite  
175 monitoring of each coalition's finances, management, operations,  
176 and programs.

177 (i) Monitor each coalition to ensure that additional  
178 regulations or requirements are not placed upon school readiness  
179 providers that exceed the authority provided under this chapter  
180 or rules adopted pursuant to this chapter.

181 (j) Provide technical assistance to early learning  
182 coalitions consistent with the purposes of this section to avoid  
183 duplication of services.

184 (k) Ensure that all expenditures are properly allocated by  
185 expenditure type, clearly accounting for indirect and direct

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186 expenditures, and ensuring that funds used to support staff and  
187 salaries, contracts, and vendors are accounted for separate and  
188 apart from other expenditures within each expenditure type.

189 (1) Coordinate with the Child Care Services Program Office  
190 of the Department of Children and Family Services with respect  
191 to health and safety monitoring, background screenings, and the  
192 collection and maintenance of data pertaining to child care  
193 training and credentialing.

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

197 (3) The office has authority to administer this chapter,  
198 including the power to receive and accept grants, loans, or  
199 advances of funds from any public or private agency and to  
200 receive and accept from any source contributions of money,  
201 property, labor, or any other thing of value, to be held, used,  
202 and applied for purposes of this chapter.

203 (4) The office must exercise due diligence in securing  
204 full payment of all accounts receivable and other claims due to  
205 the state complying with the procedures for collections under s.  
206 17.20.

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

210 (6) The office shall adopt rules prescribing child  
211 development standards for the physical health, approaches to  
212 learning, social and emotional development, language and  
213 communication, cognitive development, and general knowledge and

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214 motor development of children served in the school readiness  
215 program. The child development standards shall align with  
216 performance standards adopted by the Department of Education for  
217 the Voluntary Prekindergarten Education Program pursuant to s.  
218 1002.67.

219 (7) The office shall implement a statewide preassessment  
220 and postassessment aligned with the child development standards  
221 adopted pursuant to subsection (6). The assessment shall be  
222 implemented and used by school readiness providers to inform  
223 classroom instruction. The assessment may not be used for  
224 evaluating providers or for high stakes accountability. The  
225 office shall collect the results of the preassessments and  
226 postassessments statewide to evaluate the effectiveness of the  
227 school readiness program. At a minimum, a preassessment shall be  
228 administered to each school readiness child that participates in  
229 the program within the first 60 days after enrollment. By May 30  
230 of each year, a postassessment shall be administered to each  
231 school readiness child who participates in a provider's program  
232 for at least the previous 6 months.

233 (8) By January 1 of each year, the office shall submit an  
234 annual report of its activities conducted under this chapter to  
235 the Governor, the President of the Senate, and the Speaker of  
236 the House of Representatives. The report must include a summary  
237 of the coalitions' annual reports, a statewide summary, and the  
238 following:

239 (a) An analysis of school readiness activities throughout  
240 the state.

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

244 (c) A summary of expenditures by coalition, including a  
245 breakdown by coalition of the percentage of expenditures for  
246 administrative activities, quality activities, nondirect  
247 services, and direct services for children.

248 (d) A description of the expenditures by the office and  
249 each coalition for the quality activities described in s.  
250 431.19(4) (b) .

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

253 (f) Coalition scorecard performance data to measure the  
254 success of the coalitions in implementing the early learning  
255 programs.

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

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

260 (i) The statewide results obtained through preassessments  
261 and postassessments.

262 431.07 Early learning coalitions; coalition boards.-

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

266 (b) No more than 25 coalitions may be established, and  
267 each coalition must serve at least 1,700 children, which shall  
268 be calculated according to the average number of children served

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269 per month in the school readiness program during the previous 12  
270 months. Each coalition's service area shall comprise one or more  
271 counties. If a coalition would serve fewer children than the  
272 minimum number established in this paragraph, the coalition must  
273 merge with another county to form a multicounty coalition.

274 (c) The office shall adopt rules prescribing procedures  
275 for merging coalitions, including procedures for the  
276 consolidation of merging coalitions, and for the early  
277 termination of the terms of coalition board members, which are  
278 necessary to accomplish the mergers.

279 (2) Each coalition shall be governed by a coalition board  
280 composed of at least 12 members but not more than 18 members:

281 (a) The Governor shall appoint the chair and at least two  
282 additional members who must each be private sector business  
283 members and meet the qualifications in paragraph (d).

284 (b) The board shall include the following public sector  
285 members:

286 1. A Department of Children and Family Services circuit  
287 administrator or his or her designee who is authorized by the  
288 Secretary of Children and Family Services to make decisions on  
289 behalf of the department or, if applicable, the head of a local  
290 licensing agency approved under ss. 402.306 and 402.307 or his  
291 or her designee. If the coalition's service area includes  
292 multiple circuits or counties, the Governor shall make the  
293 appointment from one of the circuits or counties.

294 2. A district superintendent of schools or his or her  
295 designee who is authorized by the district school board to make  
296 decisions on behalf of the district. If the coalition's service

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297 area includes multiple school districts, the Governor shall,  
298 from term to term, rotate the appointment among each of the  
299 districts.

300 3. A regional workforce board executive director or his or  
301 her designee. If the coalition's service area includes multiple  
302 regional workforce board service delivery areas, the Governor  
303 shall make the appointment from one of regional workforce  
304 boards.

305 4. A county health department director or his or her  
306 designee. If the coalition's service area includes multiple  
307 counties, the Governor shall make the appointment from one of  
308 the counties.

309 5. If the coalition's service area includes a Florida  
310 College System institution, the college president or his or her  
311 designee. If the coalition's service area includes multiple  
312 Florida College System institutions, the Governor shall make the  
313 appointment from one of the institutions.

314 6. One member appointed by a board of county  
315 commissioners. If the coalition's service area includes multiple  
316 counties, the Governor shall determine which county shall make  
317 the appointment.

318 7. If the coalition's service area includes a  
319 municipality, one member appointed by the governing board of the  
320 municipality. If the coalition's service area includes multiple  
321 municipalities, the Governor shall determine which municipality  
322 shall make the appointment.

323 8. If the coalition's service area includes a federal Head  
324 Start program, the Head Start director. If the coalition's

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325 service area includes multiple Head Start programs, the Governor  
326 shall appoint the member from one of the programs.

327 9. A representative of programs for children with  
328 disabilities under the federal Individuals with Disabilities  
329 Education Act.

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

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

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

338 (d) At least one-fourth of the members of each coalition  
339 must be private sector business members who do not have, and  
340 none of whose relatives as defined in s. 112.3143 has a  
341 substantial financial interest in the design or delivery of the  
342 Voluntary Prekindergarten Education Program created under part V  
343 of chapter 1002 or the school readiness program. The coalition  
344 board shall appoint additional members to the early learning  
345 coalition in order to meet the requirements of this paragraph.  
346 Private sector board members serve at the pleasure of the  
347 Governor.

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

350 (3) (a) A majority of the voting membership of a coalition  
351 constitutes a quorum required to conduct the business of the  
352 coalition. A coalition board may use any method of

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353 telecommunications to conduct meetings, including establishing a  
354 quorum through telecommunications, provided that the public is  
355 given proper notice of a telecommunications meeting and  
356 reasonable access to observe and, when appropriate, participate.

357 (b) Except as otherwise provided in subsection (2), a  
358 member of a coalition may not appoint a designee to act in his  
359 or her place. A member may send a representative to coalition  
360 meetings, but that representative does not have voting  
361 privileges. When a member appoints a designee under subsection  
362 (2), the designee serves at the pleasure of the designating  
363 official. Unless the designee is removed by the designating  
364 official, the designee is the voting member of the coalition,  
365 and any individual attending in the designee's place, including  
366 the designating official, does not have voting privileges.

367 (c) Each member of a coalition is subject to ss. 112.313,  
368 112.3135, and 112.3143. For purposes of s. 112.3143(3) (a), each  
369 member is a local public officer who must abstain from voting  
370 when a voting conflict exists.

371 (d) For purposes of tort liability, each coalition board  
372 member and employees are governed by s. 768.28.

373 (4) Each coalition shall establish terms for all appointed  
374 members of the coalition. The terms of members must be staggered  
375 and must be a uniform length that does not exceed 4 years per  
376 term. Members appointed under paragraph (2) (a), subparagraphs  
377 (2) (b) 6.-9., or paragraphs (2) (c) or (d) may serve a maximum of  
378 8 consecutive years, not including any unexpired term for which  
379 the appointee was originally appointed. When a vacancy occurs in

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380 an appointed position, the coalition must advertise the vacancy,  
381 and notify the appointing authority.

382 (5) Each coalition board member who is not otherwise  
383 required to file financial disclosure pursuant to s. 8, Art. II  
384 of the State Constitution or s. 112.3144 shall file a disclosure  
385 of financial interest pursuant to s. 112.3145. A coalition's  
386 executive director or other person designated as being  
387 responsible for the coalition's operational and administrative  
388 functions who is not otherwise required to file financial  
389 disclosure pursuant to s. 8, Art. II of the State Constitution  
390 or s. 112.3144 shall file disclosure of financial interests  
391 pursuant to s. 112.3145.

392 (6) The Governor may, for cause, remove any coalition  
393 board member or executive director. As used in this subsection,  
394 the term "cause" includes engaging in fraud and other criminal  
395 acts, incapacity, unfitness, neglect of duty, and official  
396 incompetence and irresponsibility justifying removal in the  
397 public interest.

398 (7) Federal, state, and local-match funds provided to the  
399 early learning coalitions may not be used directly or indirectly  
400 to pay for meals, food, or beverages for coalition board members  
401 or employees. Preapproved, reasonable, and necessary per diem  
402 allowances and travel expenses may be reimbursed. Such  
403 reimbursement shall be at a standard travel reimbursement rate  
404 established in s. 112.061 and must comply with all applicable  
405 federal and state requirements.

406 (8) The office may contract with a qualified entity to  
407 administer the school readiness program or Voluntary

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408 Prekindergarten Education Program in the coalition's service  
409 area under the program and fiscal requirements established by  
410 law or rule for coalitions if:

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

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

418 (c) The office determines through monitoring and  
419 performance that a coalition has not met the legal requirements  
420 of federal or state law to implement the school readiness  
421 program or the Voluntary Prekindergarten Education Program.

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

424 (10) The office may shift school readiness funds from a  
425 designated coalition to another qualified entity if that  
426 contract with the coalition is terminated under subsection (8)  
427 for any reason.

428 431.09 School readiness plans; scorecard.-

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

434 (2) Each coalition must annually submit a school readiness  
435 plan to the office before the expenditure of funds. A coalition

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436 may not implement its school readiness plan until it receives  
437 approval from the office. A coalition may not implement any  
438 revisions until the coalition submits the revised plan to and  
439 receives approval from the office. If the office rejects a plan,  
440 the coalition must continue to operate under its previously  
441 approved plan. The plan must include:

442 (a) The coalition's business organization, which must  
443 include the coalition's articles of incorporation and bylaws if  
444 the coalition is organized as a corporation. If the coalition is  
445 not organized as a corporation or other business entity, the  
446 plan must include the contract with a fiscal agent.

447 (b) A detailed budget that outlines estimated expenditures  
448 for federal, state, and local matching funds at the lowest level  
449 of detail available by other-cost-accumulator code number, all  
450 estimated sources of revenue with identifiable descriptions, a  
451 listing of full-time equivalent positions, contracted  
452 subcontractor costs, with related annual gross salary amount or  
453 hourly rate of compensation, and a capital improvements plan  
454 outlining existing fixed capital outlay projects and proposed  
455 capital outlay projects that will begin during the budget year.

456 (c) A detailed accounting, in a format prescribed by the  
457 office, of all revenues and expenditures during the previous  
458 budget year. Revenue sources should be identifiable and  
459 expenditures should be reported by three categories: federal and  
460 state funds, local-match funds, and Child Care Executive  
461 Partnership Program funds.

462 (d) A description of the quality activities as described  
463 in s. 431.19(4)(b) and related expenditures used to meet the

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464 minimum requirements in 45 C.F.R. s. 98.51 for expenditures to  
465 improve the quality of child care. Quality activities shall be  
466 described and include a summary of the activity, estimated  
467 costs, and a timeline indicating when each activity will occur  
468 and be completed.

469 (e) Updated policies and procedures, including those  
470 governing procurement, maintenance of tangible personal  
471 property, maintenance of records, information technology  
472 security and expense, and disbursement controls.

473 (f) Documentation that the coalition has solicited and  
474 considered comments regarding the proposed school readiness plan  
475 from the local community.

476 (3) The coalition may periodically amend its plan as  
477 necessary. An amended plan shall be submitted to the office  
478 before any expenditures for quality activities are incurred on  
479 new direct activities.

480 (4) The office shall publish a copy of the standardized  
481 format and required content of school readiness plans on its  
482 Internet website and provide a copy of the format and content to  
483 each early learning coalition.

484 (5) The office shall establish a scorecard to measure  
485 coalition performance. In considering potential measures for the  
486 scorecard, the office shall consider measures related to  
487 provider satisfaction, parent satisfaction, payment processes,  
488 fraud intervention, child attendance and stability, use of child  
489 care resource and referral to support families, and school  
490 readiness outcomes for children in the Voluntary Prekindergarten  
491 Education Program upon entry into kindergarten. The office shall

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492 request input from the coalitions, the Department of Education,  
493 and school readiness providers before finalizing the scorecard  
494 format measures to be used. The scorecard shall be implemented  
495 beginning July 1, 2013, and results of the scorecard must be  
496 included in the annual report under s. 431.05(8).

497 431.11 Early learning coalitions; powers and duties.—Each  
498 early learning coalition shall:

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

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

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

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

508 (5) Determine child eligibility pursuant to s. 431.13 and  
509 provider eligibility pursuant to s. 431.15. Child eligibility  
510 must be redetermined annually. A coalition must document the  
511 reason why a child is no longer eligible for the school  
512 readiness program based on the termination codes prescribed by  
513 the office.

514 (6) Determine provider eligibility annually pursuant to s.  
515 431.15.

516 (6) Ensure proper maintenance of records related to  
517 eligibility and enrollment files, provider payments, coalition  
518 staff background screenings, and other documents required for  
519 the implementation of this program.

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520 (7) Establish a records-retention requirement for sign-in  
521 and sign-out sheets that is consistent with state and federal  
522 law.

523 (8) Follow the requirements established by the Chief  
524 Financial Officer for the recording of real property and for the  
525 periodic review of property for inventory purposes.

526 (9) Comply with state procurement requirements and the  
527 expenditure requirements of federal and state law and state  
528 rules.

529 (10) Ensure proper information technology security  
530 controls are in place, including, but not limited to,  
531 periodically reviewing the appropriateness of access privileges  
532 assigned to users of certain systems; monitoring system hardware  
533 performance and capacity-related issues; and ensuring  
534 appropriate backup procedures and disaster recovery plans are in  
535 place.

536 (11) Develop written policies, procedures, and standards  
537 for monitoring vendor contracts, including, but not limited to,  
538 provisions specifying the particular procedures that may be used  
539 to evaluate contractor performance and the documentation that is  
540 to be maintained to serve as a record of contractor performance.  
541 This subsection does not apply to contracts with school  
542 readiness providers.

543 (12) Monitor school readiness providers on an annual  
544 basis, or in response to a parental complaint, to ensure  
545 standards are met as prescribed under s. 431.15 and s. 431.17.

546 (a) Providers determined to be high risk by the coalition,  
547 as demonstrated through substantial findings in violation of

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548 federal law or the general or local laws of the state, shall be  
549 monitored more frequently.

550 (b) To ensure basic health and safety standards,  
551 coalitions shall annually monitor facilities exempt from  
552 licensure under s. 402.316, registered family day care homes  
553 under s. 402.313, and informal child care providers.

554 (13) Monitor the provider's records, including child  
555 eligibility and child attendance, to reduce the risk of fraud  
556 and overpayment and to recover state, federal and local funds.

557 (14) By October 1 of each year, submit an annual report to  
558 the office. The report must include:

559 (a) Segregation of school readiness funds, Voluntary  
560 Prekindergarten Education Program funds, and Child Care  
561 Executive Partnership Program funds.

562 (b) Details of expenditures, including total expenditures  
563 for administrative activities, quality activities, nondirect  
564 services, and direct services for children.

565 (c) Total number of coalition staff and related salary and  
566 benefit expenditures.

567 (d) The number of children served in the school readiness  
568 program, enumerated by age and eligibility priority category,  
569 which shall be calculated using the number of children served  
570 during the first week of every month, the average full-time  
571 equivalent child participation throughout the month, and the  
572 number of children served during the last week of the month.

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

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

579 431.13 School readiness program; eligibility and  
580 enrollment.-

581 (1) Each coalition shall give priority for participation  
582 in the school readiness program as follows:

583 (a) Priority shall be given first to a child younger than  
584 13 years of age from a working family that includes an adult  
585 receiving temporary cash assistance under chapter 414.

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

588 (c) Priority shall be given next to a child from birth to  
589 the beginning of the school year for which the child is eligible  
590 for admission to kindergarten in a public school under s.  
591 1003.21(1)(a)2. from a working family that is economically  
592 disadvantaged. However, the child ceases to be eligible if his  
593 or her family income exceeds 200 percent of the federal poverty  
594 level.

595 (d) Priority shall be given next to an at-risk child who  
596 is at least 9 years of age, but younger than 13 years of age. An  
597 at-risk child whose sibling is enrolled in the school readiness  
598 program within an eligibility priority category listed in  
599 subparagraphs 1.-3. shall be given priority over other children  
600 who are eligible under this subparagraph.

601 (e) Priority shall be given last to a child who meets one  
602 of the eligibility criteria in subparagraphs (a)-(c) and is

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603 enrolled concurrently in the federal Head Start Program and the  
604 Voluntary Prekindergarten Education Program.

605 (2) (a) Each parent enrolling a child in the school  
606 readiness program must complete and submit an application to the  
607 coalition through the single point of entry established under s.  
608 431.05(2) (d) .

609 (b) Each coalition shall coordinate with each of the  
610 school districts within the coalition's service area in the  
611 development of procedures for enrolling children in school  
612 readiness program delivered by public schools.

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

616 (3) A school readiness provider may be paid only for  
617 authorized hours of care provided for a child in the school  
618 readiness program. A child enrolled in the Voluntary  
619 Prekindergarten Education Program may receive part-time care  
620 from the school readiness program if the child is eligible  
621 according to the eligibility priorities provided in subsection  
622 (1) .

623 (4) The parent of a child enrolled in the school readiness  
624 program must notify the coalition or its designee within 10 days  
625 after any change in employment, income, or family size.

626 (5) A child ceases to be eligible for the school readiness  
627 program if a parent with whom the child resides does not  
628 reestablish employment within 30 days after becoming unemployed.

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

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

633 (7) If a coalition disenrolls children from the school  
634 readiness program, the coalition shall disenroll the children in  
635 reverse order of the priorities listed in subsection (1),  
636 beginning with children from families with the highest family  
637 incomes. A notice of disenrollment must be sent to parents and  
638 school readiness providers at least two weeks prior to ensure  
639 adequate time for parents to arrange alternative care for their  
640 children.

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

645 (b) Notwithstanding s. 39.604, a school readiness  
646 provider, regardless of whether the provider is licensed, shall  
647 comply with the reporting requirements of the Rilya Wilson Act  
648 for each child enrolled in the school readiness program,  
649 regardless of the child's age or eligibility for protective  
650 services.

651 431.15 School readiness provider standards; eligibility to  
652 deliver school readiness program.-

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

655 (a) Be a child care facility licensed under s. 402.305,  
656 family day care home licensed or registered under s. 402.313,  
657 large family child care home licensed under s. 402.3131, public  
658 school or nonpublic school exempt from licensure under s.

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659 402.3025, faith-based child care provider exempt from licensure  
660 under s. 402.316, before-school or after-school program  
661 described in s. 402.305(1)(c), or an informal child care  
662 provider, to the extent authorized in the state's Child Care and  
663 Development Fund Plan as approved by the United States  
664 Department of Health and Human Services pursuant to 45 C.F.R. s.  
665 98.18.

666 (b) Enhance the age-appropriate progress of each child in  
667 attaining the child development standards adopted by the office  
668 under s. 431.05(6). To satisfy this requirement, a school  
669 readiness provider must select or design and implement a  
670 curriculum and character development program for each child in  
671 the school readiness program.

672 (c) Ensure the basic health and safety of its premises and  
673 facilities and compliance with requirements for age-appropriate  
674 immunizations of children enrolled in the school readiness  
675 program. For a child care facility, large family child care  
676 home, or registered or licensed family day care home, compliance  
677 with s. 402.305, s. 402.3131, or s. 402.313 satisfies this  
678 requirement. For a public or nonpublic school, compliance with  
679 s. 402.3025 or s. 1003.22 satisfies this requirement. A faith-  
680 based child care provider exempt from licensure must meet or  
681 exceed the requirements of s. 402.305, except for square  
682 footage, as determined by an onsite inspection by an early  
683 learning coalition. An informal child care provider, a  
684 registered family child care home, or a before-school or after-  
685 school program, must meet or exceed the requirements of s.  
686 402.313.

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687 (d) Ensure the minimum standards associated with child  
688 discipline under s. 402.3105(12) are met.

689 (e) Execute the statewide provider agreement prescribed  
690 under s. 431.17, except that:

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

694 2. A school district may execute a single agreement with  
695 the coalition on behalf of all district schools delivering the  
696 school readiness program.

697 (2) If a school readiness provider fails or refuses to  
698 comply with this chapter or any contractual obligation of the  
699 statewide provider agreement under s. 431.17, the coalition or  
700 the office may revoke the provider's eligibility to deliver the  
701 school readiness program or receive state or federal funds under  
702 this chapter.

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

704 (a) Impose any requirement on a child care or early  
705 childhood education provider that does not deliver services  
706 under the school readiness program or receive state or federal  
707 funds under this chapter; or

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

711 431.17 Statewide provider agreement.-

712 (1) (a) The Office of Early Learning shall adopt rules  
713 prescribing the statewide provider agreement for the school  
714 readiness program.

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715 (b) A coalition must use the statewide provider agreement  
716 to annually contract with each school readiness provider that  
717 delivers the school readiness program within the coalition's  
718 service area.

719 (c) The rules must prescribe a standardized uniform format  
720 for the statewide provider agreement. A coalition may not omit,  
721 supplement, or amend any provision of the statewide provider  
722 agreement. In addition, a coalition may not insert or append  
723 attachments, addenda, or exhibits to the statewide provider  
724 agreement.

725 (2) The statewide provider agreement must include:

726 (a) Child eligibility and enrollment procedures and  
727 requirements under s. 431.13.

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

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

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

733 (e) Requirements for the maintenance of records and data  
734 and the confidentiality of such information.

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

738 1. Changes to information submitted in the provider's  
739 registration form.

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

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

744 (g) Procedures for the reporting and certification of  
745 student attendance under s. 1002.71.

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

748 (i) Specific grounds for high-risk monitoring by a  
749 coalition.

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

752 (k) Provisions under which the school readiness provider  
753 indemnifies the coalition from liability arising under the  
754 agreement.

755 (3) (a) A coalition may not execute the statewide provider  
756 agreement with a school readiness provider before the coalition  
757 determines that the provider is eligible to deliver the school  
758 readiness program under s. 431.15.

759 (b) A coalition shall submit to the office each original,  
760 fully executed, and dated agreement. The coalition shall provide  
761 a copy of the executed agreement to the school readiness  
762 provider or school district that executed the agreement. The  
763 coalition shall also maintain a copy of the executed agreement  
764 in the coalition's records.

765 (c) A school readiness provider may not deliver the school  
766 readiness program until the statewide provider agreement is  
767 fully executed.

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

771 431.19 School readiness program; funding.-

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

775 (2) (a) The Office of Early Learning shall administer  
776 school readiness funds and shall prepare and submit a unified  
777 budget request for the school readiness system in accordance  
778 with chapter 216.

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

781 (3) All state, federal, and required local maintenance-of-  
782 effort or matching funds provided to a coalition for purposes of  
783 this section shall be used for implementation of its approved  
784 school readiness plan, including the hiring of staff to  
785 effectively operate the coalition's school readiness program.

786 (4) Costs shall be kept to the minimum necessary for the  
787 efficient and effective administration of the school readiness  
788 program but, of the funds described in subsection (3):

789 (a) No more than 4 percent may be expended for  
790 administrative activities as described in 45 C.F.R. s. 98.52,  
791 which shall be limited to the following:

792 1. Planning for local implementation of the school  
793 readiness program.

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- 794        2. Providing local officials and the public with  
795 information about the school readiness program to support  
796 fundraising efforts for local matching funds.
- 797        3. Monitoring program activities for compliance with  
798 program requirements.
- 799        4. Evaluating and reporting program activities and  
800 accomplishments to the office.
- 801        5. Maintaining substantiated complaint files.
- 802        6. Coordinating with state and local child care, early  
803 childhood education, and before-school and after-school care  
804 programs for the provision of school readiness services.
- 805        7. Paying travel expenses.
- 806        8. Accounting and audit services.
- 807        9. Purchasing goods and services required for the  
808 administration of the program.
- 809        10. Indirect costs.
- 810        (b) No more than 6 percent may be expended for activities  
811 to improve the quality of child care as described in 45 C.F.R.  
812 s. 98.51, which shall be limited to the following:
- 813        1. Developing, establishing, expanding, operating, and  
814 coordinating resource and referral programs specifically related  
815 to the provision of comprehensive consumer education to parents  
816 and the public regarding participation in the school readiness  
817 program.
- 818        2. Awarding grants to school readiness providers to assist  
819 them in implementing developmentally appropriate curricula and  
820 related classroom resources that support the curricula and  
821 providing literacy supports.

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822 3. Providing training to school readiness providers and  
823 parents on child development standards, child screenings, child  
824 assessments, developmentally appropriate curricula, character  
825 development, teacher-child interactions, age-appropriate  
826 discipline practices, health and safety, nutrition, first aid,  
827 the recognition of communicable diseases, and child abuse  
828 detection and prevention.

829 4. Providing from among the funds provided for the  
830 activities described in subparagraphs 1.-3., adequate funding of  
831 direct services for infants and toddlers as necessary to meet  
832 federal requirements related to expenditures for quality  
833 activities for infant and toddler care.

834 5. Assisting the provider to implement a preassessment and  
835 postassessment approved by the office.

836 6. Responding to Warm-Line requests by providers related  
837 to school readiness children, including providing developmental  
838 and health screenings to school readiness children as requested  
839 under s. 431.29.

840  
841 However, a coalition may expend for quality activities under  
842 this subsection any unused funds available within the  
843 expenditure limits imposed by paragraphs (a) and (c) upon  
844 administrative activities and nondirect services.

845 (c) No more than 8 percent may be expended for nondirect  
846 services required to administer the school readiness program,  
847 which shall be limited to the following:

848 1. Eligibility determination and redetermination.

849 2. Enrollment processes and services.

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- 850       3. Processing and tracking attendance records.  
851       4. Paying providers.  
852       5. Review and supervision of child care placements to  
853 ensure compliance with federal, state, and local laws.  
854       6. Preparation and participation in judicial hearings.  
855       7. Child care placement.  
856       8. The establishment and maintenance of computerized child  
857 care information systems necessary to implement the school  
858 readiness program.

859  
860 As used in this paragraph, the term "nondirect services" does  
861 not include payments to school readiness providers for direct  
862 services provided to eligible children pursuant to s. 431.15,  
863 administrative activities described in subparagraph (a), or  
864 quality activities described in paragraph (b).

865       (5) (a) A sliding fee scale percentage shall be provided in  
866 the General Appropriations Act, which shall be the same for all  
867 school readiness providers. A parent's copayment for the school  
868 readiness program shall be determined by multiplying the sliding  
869 fee scale percentage by the family income and adjusting for  
870 family size.

871       (b) Each coalition shall implement the sliding fee scale  
872 as provided in the General Appropriations Act. A coalition may,  
873 on a case-by-case basis, waive the copayment for an at-risk  
874 child or temporarily waive the copayment for a child whose  
875 family experiences a natural disaster or emergency situation  
876 such as a household fire or burglary.

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877 (6) (a) An adjusted payment rate percentage shall be  
878 provided in the General Appropriations Act, and shall be used to  
879 determine annual payment rates for school readiness providers.  
880 The annual payment rates for each type of school readiness  
881 provider and level of care shall be calculated by:

882 1. Multiplying the prevailing market rate for the  
883 respective type of school readiness provider and level of care  
884 by the adjusted payment rate percentage;

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

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

891 (b) A school readiness provider's total payment for a  
892 child shall be equal to the payment rate calculated under  
893 paragraph (a) less the amount of the parent's copayment as  
894 determined under subsection (5). However, payments made to the  
895 school readiness provider may not exceed the provider's charges  
896 to the general public for the same services.

897 (7) The office may request a budget amendment to increase  
898 the adjusted payment rate percentage for a specific geographic  
899 area in order to ensure that care levels are available  
900 throughout the state. Any request to increase an adjusted  
901 payment rate percentage must be funded through the current  
902 year's appropriation and within each early learning coalition's  
903 allocation for the affected geographic area. The budget

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904 amendment is subject to review and approval by the Legislative  
905 Budget Commission.

906 (8) State funds appropriated for the school readiness  
907 program may not be used for the construction of new facilities  
908 or the purchase of buses.

909 (9) (a) The school readiness program, in accordance with 45  
910 C.F.R. s. 98.30, shall provide parental choice through a payment  
911 certificate that ensures, to the maximum extent possible,  
912 flexibility in the school readiness program and payment  
913 arrangements. The payment certificate must bear the names of the  
914 beneficiary and the school readiness provider and, when  
915 redeemed, must bear the signatures of both the beneficiary and  
916 the provider's authorized representative.

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

922 431.23 Fraudulent submission of false enrollment or  
923 attendance information.-

924 (1) To recover state, federal, and local matching funds,  
925 the inspector general of the Office of Early Learning shall  
926 investigate coalitions, recipients, and providers of the school  
927 readiness program and the Voluntary Prekindergarten Education  
928 Program to determine possible fraud or overpayment. If by its  
929 own inquiries, or as a result of a complaint, the office has  
930 reason to believe that a person has engaged in, or is engaging  
931 in a fraudulent act, it shall investigate and determine whether

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932 any overpayment has occurred due to the fraudulent act. During  
933 the investigation, the office may examine all records, including  
934 electronic benefits transfer records, and make inquiry of all  
935 persons who may have knowledge as to any irregularity incidental  
936 to the disbursement of public moneys or other items or benefits  
937 authorizations to recipients.

938 (2) If the inspector general determines that an  
939 overpayment has occurred due to a fraudulent act, the parent or  
940 provider is responsible for repayment and restitution of any  
941 costs associated with the fraud, and the office shall pursue  
942 collection through any legal means. A provider or parent may not  
943 participate in the program until the repayment is made in full.  
944 Any provider that shares an officer or director with a provider  
945 that is ineligible to participate under this section will not be  
946 permitted to participate until repayment is made in full.

947 (3) Based on the results of the investigation, the  
948 inspector general may, in his or her discretion, refer the  
949 investigation to the Department of Law Enforcement for criminal  
950 prosecution, seek civil enforcement, or refer the matter to the  
951 applicable coalition. Any suspected criminal violation  
952 identified by the inspector general must be referred to the  
953 Department of Legal Affairs for investigation.

954 (4) If a school readiness provider, after investigation  
955 and adjudication by a court of competent jurisdiction, is  
956 convicted of fraudulently misrepresenting enrollment or  
957 attendance related to the school readiness program or the  
958 Voluntary Education Prekindergarten Program, the coalition shall  
959 permanently refrain from contracting with, or using the services

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960 of, that provider. In addition, the coalition shall permanently  
961 refrain from contracting with, or using the services of, any  
962 provider that shares an officer or director with a provider that  
963 is convicted of fraudulently misrepresenting enrollment or  
964 attendance related to the school readiness program or the  
965 Voluntary Education Prekindergarten Program.

966 (5) If the investigation is not confidential or otherwise  
967 exempt from disclosure by law, the results of an investigation  
968 may be reported by the Office of Early Learning to the  
969 appropriate legislative committees, the Department of Education,  
970 the Department of Children and Family Services, and to such  
971 other persons as the office deems appropriate.

972 (6) A person who commits an act of fraud as defined in  
973 this subsection is subject to the penalties provided in s.  
974 414.39(5) (a) and (b).

975 431.41 Rulemaking.—In addition to the requirements of s.  
976 120.54, at least 30 days before publication in the Florida  
977 Administrative Weekly of notice of the proposed adoption,  
978 amendment, or repeal of any rule authorized by this chapter, the  
979 office must provide copies of the notice and the proposed rule  
980 to the President of the Senate and the Speaker of the House of  
981 Representatives.

982 Section 2. Section 411.011, Florida Statutes, is  
983 transferred and renumbered as section 431.21, Florida Statutes,  
984 and subsection (1) and paragraph (g) of subsection (3) of that  
985 section are amended to read:

986 431.21 411.011 Records of children in the school readiness  
987 program programs.—

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988 (1) The individual records of children enrolled in the  
989 school readiness program ~~programs~~ provided under this chapter s-  
990 ~~411.01~~, held by an early learning coalition or the Office of  
991 Early Learning, are confidential and exempt from s. 119.07(1)  
992 and s. 24(a), Art. I of the State Constitution. For purposes of  
993 this section, records include assessment data, health data,  
994 records of teacher observations, and personal identifying  
995 information.

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

997 (g) Parties to an interagency agreement among early  
998 learning coalitions, local governmental agencies, school  
999 readiness providers ~~of school readiness programs~~, state  
1000 agencies, and the Office of Early Learning for the purpose of  
1001 implementing the school readiness program.

1002  
1003 Agencies, organizations, or individuals that receive school  
1004 readiness records in order to carry out their official functions  
1005 must protect the data in a manner that does not permit the  
1006 personal identification of a child enrolled in a school  
1007 readiness program and his or her parents by persons other than  
1008 those authorized to receive the records.

1009 Section 3. Section 411.0101, Florida Statutes, is  
1010 transferred and renumbered as section 431.25, Florida Statutes,  
1011 and subsection (1) and paragraph (a) of subsection (3) of that  
1012 section are amended to read:

1013 431.25 ~~411.0101~~ Child care and early childhood resource  
1014 and referral.-

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1015 (1) As a part of the school readiness program ~~programs~~,  
1016 the Office of Early Learning shall establish a statewide child  
1017 care resource and referral network that is unbiased and provides  
1018 referrals to families for child care. Preference shall be given  
1019 to using the already established early learning coalitions as  
1020 the child care resource and referral agencies. If an early  
1021 learning coalition cannot comply with the requirements to offer  
1022 the resource information component or does not want to offer  
1023 that service, the early learning coalition shall select the  
1024 resource and referral agency for its county or multicounty  
1025 region based upon a request for proposal pursuant to s. 287.057  
1026 ~~s. 411.01(5)(e)1~~.

1027 (3) Child care resource and referral agencies shall  
1028 provide the following services:

1029 (a) Identification of existing public and private child  
1030 care and early childhood education services, including child  
1031 care services by public and private employers, and the  
1032 development of a resource file of those services through the  
1033 single statewide information system developed by the Office of  
1034 Early Learning under s. 431.05(2)(d) ~~s. 411.01(5)(e)1~~.e. These  
1035 services may include family day care, public and private child  
1036 care programs, the Voluntary Prekindergarten Education Program,  
1037 Head Start, the school readiness program, special education  
1038 programs for prekindergarten children with disabilities,  
1039 services for children with developmental disabilities, full-time  
1040 and part-time programs, before-school and after-school programs,  
1041 vacation care programs, parent education, the Temporary Cash

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1042 Assistance Program, and related family support services. The  
1043 resource file shall include, but not be limited to:

- 1044 1. Type of program.
- 1045 2. Hours of service.
- 1046 3. Ages of children served.
- 1047 4. Number of children served.
- 1048 5. Significant program information.
- 1049 6. Fees and eligibility for services.
- 1050 7. Availability of transportation.

1051 Section 4. Section 411.01013, Florida Statutes, is  
1052 transferred, renumbered as section 431.27, Florida Statutes, and  
1053 amended to read:

1054 431.27 ~~411.01013~~ Prevailing market rate schedule.-

1055 ~~(1) As used in this section, the term:~~

1056 ~~(a) "Market rate" means the price that a child care  
1057 provider charges for daily, weekly, or monthly child care  
1058 services.~~

1059 ~~(b) "Prevailing market rate" means the annually determined  
1060 75th percentile of a reasonable frequency distribution of the  
1061 market rate in a predetermined geographic market at which child  
1062 care providers charge a person for child care services.~~

1063 ~~(1)(2)~~ The Office of Early Learning shall establish  
1064 ~~procedures for the adoption of a prevailing market rate~~  
1065 ~~schedule. The schedule must include, at a minimum, county-by-~~  
1066 ~~county rates:~~

1067 ~~(a) At the prevailing market rate, plus the maximum rate,~~  
1068 ~~for child care providers that hold a Gold Seal Quality Care~~  
1069 ~~designation under s. 402.281.~~

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1070 ~~(b) At the prevailing market rate for child care providers~~  
1071 ~~that do not hold a Gold Seal Quality Care designation.~~

1072 ~~(3) The prevailing market rate schedule, at a minimum,~~  
1073 ~~must:~~

1074 (a) Differentiate rates by type, including, but not  
1075 limited to, ~~a child care provider that holds a Gold Seal Quality~~  
1076 ~~Care designation under s. 402.281,~~ a child care facility  
1077 licensed under s. 402.305, a public or nonpublic school exempt  
1078 from licensure under s. 402.3025, a faith-based child care  
1079 facility exempt from licensure under s. 402.316 ~~that does not~~  
1080 ~~hold a Gold Seal Quality Care designation,~~ a large family child  
1081 care home licensed under s. 402.3131, or a family day care home  
1082 licensed or registered under s. 402.313.

1083 (b) Differentiate rates by the type of child care services  
1084 provided for ~~children with special needs or risk categories,~~  
1085 infants, toddlers, preschool-age children, and school-age  
1086 children.

1087 (c) Differentiate rates between full-time and part-time  
1088 child care services.

1089 ~~(d) Consider discounted rates for child care services for~~  
1090 ~~multiple children in a single family.~~

1091 (2)(4) The prevailing market rate schedule must be based  
1092 exclusively on the prices charged for child care services. If a  
1093 conflict exists between this subsection and federal  
1094 requirements, the federal requirements shall control.

1095 (3)(5) Each child care and early childhood education  
1096 provider that receives school readiness funds must submit its  
1097 market rate by August 1 of each year to the Office of Early

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1098 Learning for inclusion in the calculation of the prevailing  
1099 market rate ~~shall be considered by an early learning coalition~~  
1100 ~~in the adoption of a payment schedule in accordance with s.~~  
1101 ~~411.01(5)(e)2.~~

1102 (4)(6) The office ~~of Early Learning~~ may contract with one  
1103 or more qualified entities to administer this section and  
1104 provide support and technical assistance for child care  
1105 providers.

1106 (5)(7) The office ~~of Early Learning~~ may adopt rules  
1107 ~~pursuant to ss. 120.536(1) and 120.54 for~~ establishing  
1108 procedures for the collection of child care providers' market  
1109 rate, the calculation of a reasonable frequency distribution of  
1110 the market rate, and the publication of a prevailing market rate  
1111 schedule.

1112 Section 5. Section 411.01015, Florida Statutes, is  
1113 transferred and renumbered as section 431.29, Florida Statutes,  
1114 and subsection (3) of that section is amended to read:

1115 431.29 ~~411.01015~~ Consultation to child care centers and  
1116 family day care homes regarding health, developmental,  
1117 disability, and special needs issues.-

1118 (3) The office ~~of Early Learning~~ shall annually inform  
1119 child care centers and family day care homes of the availability  
1120 of this service through the child care resource and referral  
1121 network under s. 431.25 ~~s. 411.0101~~.

1122 Section 6. Section 411.0102, Florida Statutes, is  
1123 transferred, renumbered as section 431.31, Florida Statutes, and  
1124 amended to read:

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1125 431.31 ~~411.0102~~ Child Care Executive Partnership Act;  
1126 findings and intent; grant; limitation; rules.-

1127 ~~(1) This section may be cited as the "Child Care Executive~~  
1128 ~~Partnership Act."~~

1129 (1)~~(2)~~(a) The Legislature finds that when private  
1130 employers provide onsite child care or provide other child care  
1131 benefits, they benefit by improved recruitment and higher  
1132 retention rates for employees, lower absenteeism, and improved  
1133 employee morale. The Legislature also finds that there are many  
1134 ways in which private employers can provide child care  
1135 assistance to employees: information and referral, vouchering,  
1136 employer contribution to child care programs, and onsite care.  
1137 Private employers can offer child care as part of a menu of  
1138 employee benefits. The Legislature recognizes that flexible  
1139 compensation programs providing a child care option are  
1140 beneficial to the private employer through increased  
1141 productivity, to the private employee in knowing that his or her  
1142 children are being cared for in a safe and nurturing  
1143 environment, and to the state in more dollars being available  
1144 for purchasing power and investment.

1145 (b) It is the intent of the Legislature to promote public-  
1146 private ~~public/private~~ partnerships to ensure that the children  
1147 of the state be provided safe and enriching child care at any  
1148 time, but especially while parents work to remain self-  
1149 sufficient. It is the intent of the Legislature that private  
1150 employers be encouraged to participate in the future of this  
1151 state by providing employee child care benefits. Further, it is  
1152 the intent of the Legislature to encourage private employers to

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1153 explore innovative ways to assist employees to obtain quality  
1154 child care.

1155 (c) The Legislature further recognizes that many parents  
1156 need assistance in paying the full costs of quality child care.  
1157 The public and private sectors, by working in partnership, can  
1158 promote and improve access to quality child care and early  
1159 education for children of working families who need it.  
1160 Therefore, a more formal mechanism is necessary to stimulate the  
1161 establishment of public-private partnerships. It is the intent  
1162 of the Legislature to expand the availability of scholarship  
1163 options for working families by providing incentives for  
1164 employers to contribute to meeting the needs of their employees'  
1165 families through matching public dollars available for child  
1166 care.

1167 (2) (a) (3) The office shall ~~There is created a body politic~~  
1168 ~~and corporate known as the Child Care Executive Partnership~~  
1169 ~~which shall establish and govern the Child Care Executive~~  
1170 Partnership Program. The purpose of the Child Care Executive  
1171 Partnership Program is to utilize state and federal funds as  
1172 incentives for matching local funds derived from local  
1173 governments, employers, charitable foundations, and other  
1174 sources so that Florida communities may create local flexible  
1175 partnerships with employers. The Child Care Executive  
1176 Partnership Program funds shall be used at the discretion of  
1177 local communities to meet the needs of working parents. A child  
1178 care purchasing pool shall be developed with the state, federal,  
1179 and local funds to provide subsidies to low-income working  
1180 parents whose family income does not exceed the allowable income

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1181 for any federally subsidized child care program with a dollar-  
1182 for-dollar match from employers, local government, and other  
1183 matching contributions. The funds used from the child care  
1184 purchasing pool must be used to supplement or extend the use of  
1185 existing public or private funds.

1186 ~~(4) The Child Care Executive Partnership, staffed by the~~  
1187 ~~Office of Early Learning, shall consist of a representative of~~  
1188 ~~the Executive Office of the Governor and nine members of the~~  
1189 ~~corporate or child care community, appointed by the Governor.~~

1190 ~~(a) Members shall serve for a period of 4 years, except~~  
1191 ~~that the representative of the Executive Office of the Governor~~  
1192 ~~shall serve at the pleasure of the Governor.~~

1193 ~~(b) The Child Care Executive Partnership shall be chaired~~  
1194 ~~by a member chosen by a majority vote and shall meet at least~~  
1195 ~~quarterly and at other times upon the call of the chair. The~~  
1196 ~~Child Care Executive Partnership may use any method of~~  
1197 ~~telecommunications to conduct meetings, including establishing a~~  
1198 ~~quorum through telecommunications, only if the public is given~~  
1199 ~~proper notice of a telecommunications meeting and reasonable~~  
1200 ~~access to observe and, when appropriate, participate.~~

1201 ~~(c) Members shall serve without compensation, but may be~~  
1202 ~~reimbursed for per diem and travel expenses in accordance with~~  
1203 ~~s. 112.061.~~

1204 ~~(d) The Child Care Executive Partnership shall have all~~  
1205 ~~the powers and authority, not explicitly prohibited by statute,~~  
1206 ~~necessary to carry out and effectuate the purposes of this~~  
1207 ~~section, as well as the functions, duties, and responsibilities~~

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1208 ~~of the partnership, including, but not limited to, the~~  
1209 ~~following:~~

1210 ~~1. Assisting in the formulation and coordination of the~~  
1211 ~~state's child care policy.~~

1212 ~~2. Adopting an official seal.~~

1213 ~~3. Soliciting, accepting, receiving, investing, and~~  
1214 ~~expending funds from public or private sources.~~

1215 ~~4. Contracting with public or private entities as~~  
1216 ~~necessary.~~

1217 ~~5. Approving an annual budget.~~

1218 ~~6. Carrying forward any unexpended state appropriations~~  
1219 ~~into succeeding fiscal years.~~

1220 ~~7. Providing a report to the Governor, the Speaker of the~~  
1221 ~~House of Representatives, and the President of the Senate, on or~~  
1222 ~~before December 1 of each year.~~

1223 ~~(5)(a) The Legislature shall annually determine the amount~~  
1224 ~~of state or federal low-income child care moneys which shall be~~  
1225 ~~used to create Child Care Executive Partnership Program child~~  
1226 ~~care purchasing pools in counties chosen by the Child Care~~  
1227 ~~Executive Partnership, provided that at least two of the~~  
1228 ~~counties have populations of no more than 300,000. The~~  
1229 ~~Legislature shall annually review the effectiveness of the child~~  
1230 ~~care purchasing pool program and reevaluate the percentage of~~  
1231 ~~additional state or federal funds, if any, which can be used for~~  
1232 ~~the program's expansion.~~

1233 (b) To ensure a seamless service delivery and ease of  
1234 access for families, an early learning coalition or the office

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1235 ~~of Early Learning~~ shall administer the child care purchasing  
1236 pool funds.

1237 (c) ~~The office of Early Learning, in conjunction with the~~  
1238 ~~Child Care Executive Partnership,~~ shall adopt rules develop  
1239 ~~procedures~~ for the disbursement of Child Care Executive  
1240 Partnership Program funds ~~through the child care purchasing~~  
1241 ~~pools~~. In order to be considered for funding, an early learning  
1242 coalition or the office ~~of Early Learning~~ must commit to:

1243 1. Matching the state purchasing pool funds on a dollar-  
1244 for-dollar basis; and

1245 2. Expending only those public funds that are matched by  
1246 employers, local government, and other matching contributors who  
1247 contribute to the purchasing pool. Parents shall also pay a fee,  
1248 which may not be less than the amount identified in the ~~early~~  
1249 ~~learning coalition's~~ school readiness program sliding fee scale.

1250 ~~(d) Each early learning coalition shall establish a~~  
1251 ~~community child care task force for each child care purchasing~~  
1252 ~~pool. The task force must be composed of employers, parents,~~  
1253 ~~private child care providers, and one representative from the~~  
1254 ~~local children's services council, if one exists in the area of~~  
1255 ~~the purchasing pool. The early learning coalition is expected to~~  
1256 ~~recruit the task force members from existing child care~~  
1257 ~~councils, commissions, or task forces already operating in the~~  
1258 ~~area of a purchasing pool. A majority of the task force shall~~  
1259 ~~consist of employers.~~

1260 (d)(e) Each participating ~~early learning~~ coalition board  
1261 shall develop a plan for the use of child care purchasing pool  
1262 funds. The plan must show how many children will be served by

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1263 the purchasing pool, how many will be new to receiving child  
1264 care services, and how the early learning coalition intends to  
1265 attract new employers and their employees to the program.

1266 ~~(6) The Office of Early Learning shall adopt any rules~~  
1267 ~~necessary for the implementation and administration of this~~  
1268 ~~section.~~

1269 (3) Child Care Executive Partnership Program funds are  
1270 subject to the funding requirements of s. 431.19.

1271 (4) The office shall report the activities and detailed  
1272 expenditures related to the Child Care Executive Partnership  
1273 Program in the annual report required under s. 431.05(8). Each  
1274 coalition receiving Child Care Executive Partnership Program  
1275 funds shall include a summary of related activities and detailed  
1276 expenditures associated with this program in its annual report  
1277 required under s. 431.11(14)(b).

1278 Section 7. Section 411.0103, Florida Statutes, is  
1279 transferred and renumbered as section 431.33, Florida Statutes.

1280 Section 8. Section 411.0105, Florida Statutes, is  
1281 transferred and renumbered as section 431.35, Florida Statutes.

1282 Section 9. Section 411.0106, Florida Statutes, is  
1283 transferred, renumbered as section 431.37, Florida Statutes, and  
1284 amended to read:

1285 431.37 411.0106 Infants and toddlers in state-funded  
1286 education and care programs; brain development activities.—Each  
1287 state-funded education and care program for children from birth  
1288 to 5 years of age must provide activities to foster brain  
1289 development in infants and toddlers. A program must provide an  
1290 environment that helps children attain the child development

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1291 standards ~~performance standards~~ adopted by the office of ~~Early~~  
1292 ~~Learning~~ under s. 431.05(6) ~~s. 411.01(4)(d)8.~~ and must be rich  
1293 in language and music and filled with objects of various colors,  
1294 shapes, textures, and sizes to stimulate visual, tactile,  
1295 auditory, and linguistic senses in the children and must include  
1296 classical music and at least 30 minutes of reading to the  
1297 children each day. A program may be offered through an existing  
1298 early childhood program such as Healthy Start, the Title I  
1299 program, the school readiness program, the Head Start program,  
1300 or a private child care program. A program must provide training  
1301 for the infants' and toddlers' parents including direct dialogue  
1302 and interaction between teachers and parents demonstrating the  
1303 urgency of brain development in the first year of a child's  
1304 life. Family day care centers are encouraged, but not required,  
1305 to comply with this section.

1306 Section 10. Section 1002.77, Florida Statutes, is  
1307 transferred, renumbered as section 431.39, Florida Statutes, and  
1308 subsections (1) and (3) of that section are amended to read:

1309 431.39 ~~1002.77~~ Florida Early Learning Advisory Council.—

1310 (1) There is created the Florida Early Learning Advisory  
1311 Council within the Office of Early Learning. The purpose of the  
1312 advisory council is to share best practices ~~submit~~  
1313 ~~recommendations to the department on the early learning policy~~  
1314 ~~of this state, including recommendations~~ relating to effective  
1315 administration of the Voluntary Prekindergarten Education  
1316 Program under part V of chapter 1002 ~~this part~~ and the school  
1317 readiness program ~~programs~~ under this chapter ~~s. 411.01~~.

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1318 (3) The advisory council shall meet at least annually  
1319 ~~quarterly but may meet as often as necessary~~ to carry out its  
1320 duties and responsibilities.

1321 Section 11. Paragraph (p) of subsection (3) of section  
1322 11.45, Florida Statutes, is amended to read:

1323 11.45 Definitions; duties; authorities; reports; rules.—

1324 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The  
1325 Auditor General may, pursuant to his or her own authority, or at  
1326 the direction of the Legislative Auditing Committee, conduct  
1327 audits or other engagements as determined appropriate by the  
1328 Auditor General of:

1329 (p) The school readiness system, including the early  
1330 learning coalitions, created under chapter 431 ~~s. 411.01~~.

1331 Section 12. Paragraph (h) of subsection (3) of section  
1332 20.15, Florida Statutes, is amended to read:

1333 20.15 Department of Education.—There is created a  
1334 Department of Education.

1335 (3) DIVISIONS.—The following divisions of the Department  
1336 of Education are established:

1337 (h) The Office of Early Learning, which shall administer  
1338 the school readiness system in accordance with chapter 431 ~~s.~~  
1339 ~~411.01~~ and the operational requirements of the Voluntary  
1340 Prekindergarten Education Program in accordance with part V of  
1341 chapter 1002. The office is a separate budget entity and is not  
1342 subject to control, supervision, or direction by the Department  
1343 of Education or the State Board of Education in any manner  
1344 including, but not limited to, personnel, purchasing,  
1345 transactions involving personal property, and budgetary matters.

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1346 The office director shall be appointed by the Governor and  
1347 confirmed by the Senate, shall serve at the pleasure of the  
1348 Governor, and shall be the agency head of the office for all  
1349 purposes. The office shall enter into a service agreement with  
1350 the department for professional, technological, and  
1351 administrative support services. The office shall be subject to  
1352 review and oversight by the Chief Inspector General or his or  
1353 her designee.

1354 Section 13. Subsection (8) of section 216.136, Florida  
1355 Statutes, is amended to read:

1356 216.136 Consensus estimating conferences; duties and  
1357 principals.-

1358 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.-

1359 (a) The Early Learning Programs Estimating Conference  
1360 shall develop estimates and forecasts of the unduplicated count  
1361 of children eligible for the school readiness program ~~programs~~  
1362 in accordance with the standards of eligibility established in  
1363 s. 431.13 ~~s. 411.01(6)~~, and of children eligible for the  
1364 Voluntary Prekindergarten Education Program in accordance with  
1365 s. 1002.53(2), as the conference determines are needed to  
1366 support the state planning, budgeting, and appropriations  
1367 processes.

1368 (b) The Office of Early Learning shall provide information  
1369 on needs and waiting lists for the school readiness program  
1370 ~~programs~~, and information on the needs for the Voluntary  
1371 Prekindergarten Education Program, as requested by the Early  
1372 Learning Programs Estimating Conference or individual conference  
1373 principals in a timely manner.

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1374 Section 14. Subsection (9) of section 402.302, Florida  
1375 Statutes, is amended to read:

1376 402.302 Definitions.—As used in this chapter, the term:

1377 (9) "Household children" means children who are related by  
1378 blood, marriage, or legal adoption to, or who are the legal  
1379 wards of, the family day care home operator, the large family  
1380 child care home operator, or an adult household member who  
1381 permanently or temporarily resides in the home. Supervision of  
1382 the operator's household children shall be left to the  
1383 discretion of the operator unless those children receive  
1384 subsidized child care through the school readiness program  
1385 pursuant to s. 431.23 ~~s. 411.0101~~ to be in the home.

1386 Section 15. Paragraph (a) of subsection (2) of section  
1387 490.014, Florida Statutes, is amended to read:

1388 490.014 Exemptions.—

1389 (2) No person shall be required to be licensed or  
1390 provisionally licensed under this chapter who:

1391 (a) Is a salaried employee of a government agency; a  
1392 developmental disability facility or program; a mental health,  
1393 alcohol, or drug abuse facility operating under chapter 393,  
1394 chapter 394, or chapter 397; the statewide child care resource  
1395 and referral network operating under s. 431.25 ~~s. 411.0101~~; a  
1396 child-placing or child-caring agency licensed pursuant to  
1397 chapter 409; a domestic violence center certified pursuant to  
1398 chapter 39; an accredited academic institution; or a research  
1399 institution, if such employee is performing duties for which he  
1400 or she was trained and hired solely within the confines of such  
1401 agency, facility, or institution, so long as the employee is not

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1402 held out to the public as a psychologist pursuant to s.

1403 490.012(1)(a).

1404 Section 16. Paragraph (a) of subsection (4) of section  
1405 491.014, Florida Statutes, is amended to read:

1406 491.014 Exemptions.—

1407 (4) No person shall be required to be licensed,  
1408 provisionally licensed, registered, or certified under this  
1409 chapter who:

1410 (a) Is a salaried employee of a government agency; a  
1411 developmental disability facility or program; a mental health,  
1412 alcohol, or drug abuse facility operating under chapter 393,  
1413 chapter 394, or chapter 397; the statewide child care resource  
1414 and referral network operating under s. 431.25 ~~s. 411.0101~~; a  
1415 child-placing or child-caring agency licensed pursuant to  
1416 chapter 409; a domestic violence center certified pursuant to  
1417 chapter 39; an accredited academic institution; or a research  
1418 institution, if such employee is performing duties for which he  
1419 or she was trained and hired solely within the confines of such  
1420 agency, facility, or institution, so long as the employee is not  
1421 held out to the public as a clinical social worker, mental  
1422 health counselor, or marriage and family therapist.

1423 Section 17. Subsection (4) of section 1002.51, Florida  
1424 Statutes, is amended to read:

1425 1002.51 Definitions.—As used in this part, the term:

1426 (4) "Early learning coalition" or "coalition" means an  
1427 early learning coalition established ~~created~~ under s. 431.07 ~~s.~~  
1428 ~~411.01~~.

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1429 Section 18. Paragraph (a) of subsection (4) of section  
1430 1002.53, Florida Statutes, is amended to read:

1431 1002.53 Voluntary Prekindergarten Education Program;  
1432 eligibility and enrollment.—

1433 (4) (a) Each parent enrolling a child in the Voluntary  
1434 Prekindergarten Education Program must complete and submit an  
1435 application to the early learning coalition through the single  
1436 point of entry established under s. 431.05(2) (d) ~~s. 411.01~~.

1437 Section 19. Paragraph (d) of subsection (3) of section  
1438 1002.67, Florida Statutes, is amended to read:

1439 1002.67 Performance standards; curricula and  
1440 accountability.—

1441 (3)

1442 (d) Each early learning coalition, the Office of Early  
1443 Learning, and the department shall coordinate with the Child  
1444 Care Services Program Office of the Department of Children and  
1445 Family Services to minimize interagency duplication of  
1446 activities for monitoring private prekindergarten providers for  
1447 compliance with requirements of the Voluntary Prekindergarten  
1448 Education Program under this part, the school readiness program  
1449 ~~programs~~ under chapter 431 ~~s. 411.01~~, and the licensing of  
1450 providers under ss. 402.301-402.319.

1451 Section 20. Paragraph (a) of subsection (5) of section  
1452 1002.71, Florida Statutes, is amended to read:

1453 1002.71 Funding; financial and attendance reporting.—

1454 (5) (a) Each early learning coalition shall maintain  
1455 through the single point of entry established under s.  
1456 431.05(2) (d) ~~s. 411.01~~ a current database of the students

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1457 enrolled in the Voluntary Prekindergarten Education Program for  
1458 each county within the coalition's region.

1459 Section 21. Subsection (4) of section 1006.03, Florida  
1460 Statutes, is amended to read:

1461 1006.03 Diagnostic and learning resource centers.—

1462 (4) Diagnostic and learning resource centers may assist  
1463 districts in providing testing and evaluation services for  
1464 infants and preschool children with or at risk of developing  
1465 disabilities, and may assist districts in providing  
1466 interdisciplinary training and resources to parents of infants  
1467 and preschool children with or at risk of developing  
1468 disabilities and to the school readiness program programs.

1469 Section 22. Sections 411.01, 411.01014, 411.0104, 445.023,  
1470 and 445.032, Florida Statutes, are repealed.

1471 Section 23. This act shall take effect July 1, 2012.