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1 A bill to be entitled  
2 An act relating to the Voluntary Prekindergarten  
3 Education Program; amending ss. 1002.55, 1002.61, and  
4 1002.63, F.S.; requiring private prekindergarten  
5 providers and public schools that deliver the  
6 Voluntary Prekindergarten Education Program to execute  
7 the statewide provider agreement prescribed by the  
8 Office of Early Learning; authorizing the execution of  
9 a single agreement on behalf of multiple private  
10 prekindergarten providers or public schools under  
11 certain circumstances; creating s. 1002.64, F.S.;  
12 requiring the Office of Early Learning to adopt rules  
13 prescribing the statewide provider agreement;  
14 requiring early learning coalitions to use the  
15 agreement; providing for the format and content of the  
16 agreement; prohibiting an early learning coalition  
17 from executing agreements with private prekindergarten  
18 providers until the coalition determines that the  
19 providers are eligible to deliver the program;  
20 providing for publication of the statewide provider  
21 agreement and the submission of executed agreements to  
22 the Office of Early Learning; requiring the submission  
23 of certain proposed rules to the presiding officers of  
24 the Legislature within a specified period; amending s.  
25 1002.71, F.S.; revising requirements for the  
26 calculation of student enrollment for purposes of  
27 initial allocations of funds for the Voluntary  
28 Prekindergarten Education Program; providing for the

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29 | monthly reporting of student enrollment; requiring the  
 30 | Auditor General to conduct audits of early learning  
 31 | coalitions; amending s. 1002.75, F.S.; requiring the  
 32 | Office of Early Learning to monitor and evaluate the  
 33 | performance, finances, and operations of early  
 34 | learning coalitions; amending s. 411.01, F.S.;  
 35 | conforming provisions; repealing ss. 1002.65 and  
 36 | 1002.77, F.S., relating to legislative intent  
 37 | concerning the professional credentials of  
 38 | prekindergarten instructors and the creation,  
 39 | membership, and duties of the Florida Early Learning  
 40 | Advisory Council; providing an effective date.

41 |

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

43 |

44 | Section 1. Paragraph (i) of subsection (3) of section  
 45 | 1002.55, Florida Statutes, is redesignated as paragraph (j), and  
 46 | a new paragraph (i) is added to that subsection, to read:

47 | 1002.55 School-year prekindergarten program delivered by  
 48 | private prekindergarten providers.—

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

52 | (i) The private prekindergarten provider must execute the  
 53 | statewide provider agreement prescribed under s. 1002.64, except  
 54 | that an individual who owns or operates multiple private  
 55 | prekindergarten providers within a coalition's service area may  
 56 | execute a single agreement with the coalition on behalf of each

57 provider.

58 Section 2. Subsection (3) of section 1002.61, Florida  
59 Statutes, is amended to read:

60 1002.61 Summer prekindergarten program delivered by public  
61 schools and private prekindergarten providers.—

62 (3) (a) Each district school board shall determine which  
63 public schools in the school district are eligible to deliver  
64 the summer prekindergarten program. The school district shall  
65 use educational facilities available in the public schools  
66 during the summer term for the summer prekindergarten program.

67 (b) Each public school delivering the summer  
68 prekindergarten program must execute the statewide provider  
69 agreement prescribed under s. 1002.64, except that the school  
70 district may execute a single agreement with the early learning  
71 coalition on behalf of all district schools.

72 (c) ~~(b)~~ Except as provided in this section, to be eligible  
73 to deliver the summer prekindergarten program, a private  
74 prekindergarten provider must meet each requirement in s.  
75 1002.55.

76 Section 3. Subsection (3) of section 1002.63, Florida  
77 Statutes, is amended to read:

78 1002.63 School-year prekindergarten program delivered by  
79 public schools.—

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

83 (b) Each public school delivering the school-year  
84 prekindergarten program must execute the statewide provider

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85 agreement prescribed under s. 1002.64, except that the school  
 86 district may execute a single agreement with the early learning  
 87 coalition on behalf of all district schools.

88 Section 4. Section 1002.64, Florida Statutes, is created  
 89 to read:

90 1002.64 Statewide provider agreement.—

91 (1) (a) The Office of Early Learning shall adopt rules  
 92 prescribing the statewide provider agreement for the Voluntary  
 93 Prekindergarten Education Program.

94 (b) An early learning coalition must use the statewide  
 95 provider agreement to annually contract with each private  
 96 prekindergarten provider and public school that delivers the  
 97 Voluntary Prekindergarten Education Program within the  
 98 coalition's service area.

99 (c) The rules must prescribe a standardized uniform format  
 100 for the statewide provider agreement. An early learning  
 101 coalition may not omit, supplement, or amend any provision of  
 102 the statewide provider agreement. In addition, an early learning  
 103 coalition may not insert or append attachments, addenda, or  
 104 exhibits to the statewide provider agreement.

105 (2) The statewide provider agreement must include:

106 (a) Child eligibility and enrollment procedures and  
 107 requirements under s. 1002.53.

108 (b) Student reenrollment requirements under s. 1002.71.

109 (c) Eligibility requirements for private prekindergarten  
 110 providers and public schools delivering the program under ss.  
 111 1002.55, 1002.61, 1002.63, and 1002.66.

112 (d) Program performance and accountability requirements

113 under ss. 1002.67 and 1002.69.

114 (e) Requirements for the maintenance of records and data  
 115 and the confidentiality of such information.

116 (f) Provisions requiring compliance with the  
 117 antidiscrimination requirements of s. 1002.53(6)(c).

118 (g) Provisions prohibiting a private prekindergarten  
 119 provider or public school from requiring payment of any fee or  
 120 charge that is inconsistent with s. 1002.71(8)(a).

121 (h) Provisions prohibiting a private prekindergarten  
 122 provider or public school from requiring a child's enrollment in  
 123 or payment of any fee or charge for supplemental services in a  
 124 manner that is inconsistent with s. 1002.71(8)(b).

125 (i) Requirements for notifications between the early  
 126 learning coalition, the private prekindergarten provider or  
 127 public school, and the parent, which may include, but are not  
 128 limited to:

129 1. Changes to information submitted in the private  
 130 prekindergarten provider's or public school's registration form  
 131 or the prekindergarten class registration.

132 2. A parent's withdrawal of his or her child from the  
 133 program or a private prekindergarten provider's or public  
 134 school's dismissal of a child under s. 1002.71.

135 3. Temporary closure of a private prekindergarten  
 136 provider's facility and subsequent reopening of the facility.

137 (j) Procedures for the reporting and certification of  
 138 student attendance under s. 1002.71.

139 (k) Specific grounds for termination of the agreement.

140 (l) Dispute resolution procedures.

141 (m) Provisions under which the private prekindergarten  
 142 provider, public school, or school district indemnifies the  
 143 early learning coalition from liability arising under the  
 144 agreement.

145 (3) (a) An early learning coalition may not execute the  
 146 statewide provider agreement with a private prekindergarten  
 147 provider before the coalition determines that the provider is  
 148 eligible to deliver the Voluntary Prekindergarten Education  
 149 Program under s. 1002.55 or s. 1002.61.

150 (b) An early learning coalition shall submit to the Office  
 151 of Early Learning each original, fully executed, and dated  
 152 agreement. The coalition shall provide a copy of the executed  
 153 agreement to the private prekindergarten provider, public  
 154 school, or school district that executed the agreement. The  
 155 coalition shall also maintain a copy of the executed agreement  
 156 in the coalition's records.

157 (c) A private prekindergarten provider or public school  
 158 may not deliver the Voluntary Prekindergarten Education Program  
 159 until the statewide provider agreement is fully executed.

160 (4) In addition to the requirements of s. 120.54, at least  
 161 30 days before publication in the Florida Administrative Weekly  
 162 of notice of the proposed adoption, amendment, or repeal of any  
 163 rule prescribing the statewide provider agreement, the Office of  
 164 Early Learning must provide copies of the notice and the  
 165 proposed rule to the President of the Senate and the Speaker of  
 166 the House of Representatives. The Office of Early Learning shall  
 167 also publish a copy of the statewide provider agreement on its

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168 Internet website and provide a copy of the agreement to each  
 169 early learning coalition.

170 Section 5. Paragraph (c) of subsection (3) of section  
 171 1002.71, Florida Statutes, is amended, and subsection (10) is  
 172 added to that section, to read:

173 1002.71 Funding; financial and attendance reporting.—

174 (3)

175 (c) The initial allocation shall be based on estimated  
 176 student enrollment in the Voluntary Prekindergarten Education  
 177 Program in each coalition service area. The Office of Early  
 178 Learning shall reallocate funds among the coalitions based on  
 179 actual full-time equivalent student enrollment in the Voluntary  
 180 Prekindergarten Education Program in each coalition service  
 181 area. Each early learning coalition shall submit monthly reports  
 182 of student enrollment to the Office of Early Learning in  
 183 accordance with subsection (2). A student enrollment report may  
 184 not be amended after December 31 of any year.

185 (10) The Auditor General shall conduct audits of early  
 186 learning coalitions as provided in s. 11.45.

187 Section 6. Subsections (1) and (4) of section 1002.75,  
 188 Florida Statutes, are amended to read:

189 1002.75 Office of Early Learning; powers and duties;  
 190 operational requirements.—

191 (1) The Office of Early Learning shall:

192 (a) Administer the operational requirements of the  
 193 Voluntary Prekindergarten Education Program at the state level.

194 (b) Monitor and evaluate the performance of each early  
 195 learning coalition and of the coalition's finances and

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196 operations related to administration of the Voluntary  
 197 Prekindergarten Education Program.

198 (4) The Office of Early Learning shall also adopt  
 199 procedures for the office's ~~agency's~~ distribution of funds to  
 200 early learning coalitions under s. 1002.71.

201 Section 7. Paragraph (m) of subsection (4) and paragraph  
 202 (a) of subsection (5) of section 411.01, Florida Statutes, are  
 203 amended to read:

204 411.01 School readiness programs; early learning  
 205 coalitions.—

206 (4) OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF  
 207 EDUCATION.—

208 (m) The Office of Early Learning shall submit an annual  
 209 report of its activities conducted under this section to the  
 210 Governor, the President of the Senate, the Speaker of the House  
 211 of Representatives, and the minority leaders of both houses of  
 212 the Legislature. In addition, the Office of Early Learning's  
 213 reports and recommendations shall be made available to ~~the~~  
 214 ~~Florida Early Learning Advisory Council and other~~ appropriate  
 215 state agencies and entities. The annual report must provide an  
 216 analysis of school readiness activities across the state,  
 217 including the number of children who were served in the  
 218 programs.

219 (5) CREATION OF EARLY LEARNING COALITIONS.—

220 (a) Early learning coalitions.—

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

224           2. The Office of Early Learning shall establish the  
 225 minimum number of children to be served by each early learning  
 226 coalition through the coalition's school readiness program. The  
 227 Office of Early Learning may only approve school readiness plans  
 228 in accordance with this minimum number. The minimum number must  
 229 be uniform for every early learning coalition and must:

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

235           3. If an early learning coalition would serve fewer  
 236 children than the minimum number established under subparagraph  
 237 2., the coalition must merge with another county to form a  
 238 multicounty coalition. The Office of Early Learning shall adopt  
 239 procedures for merging early learning coalitions, including  
 240 procedures for the consolidation of merging coalitions, and for  
 241 the early termination of the terms of coalition members which  
 242 are necessary to accomplish the mergers. However, the Office of  
 243 Early Learning shall grant a waiver to an early learning  
 244 coalition to serve fewer children than the minimum number  
 245 established under subparagraph 2., if:

- 246           a. The Office of Early Learning has determined during the  
 247 most recent review of the coalition's school readiness plan, or  
 248 through monitoring and performance evaluations conducted under  
 249 paragraph (4) (1), that the coalition has substantially  
 250 implemented its plan;
- 251           b. The coalition demonstrates to the Office of Early

252 Learning the coalition's ability to effectively and efficiently  
 253 implement the Voluntary Prekindergarten Education Program; and  
 254 c. The coalition demonstrates to the Office of Early  
 255 Learning that the coalition can perform its duties in accordance  
 256 with law.

257  
 258 If an early learning coalition fails or refuses to merge as  
 259 required by this subparagraph, the Office of Early Learning may  
 260 dissolve the coalition and temporarily contract with a qualified  
 261 entity to continue school readiness and prekindergarten services  
 262 in the coalition's county or multicounty region until the office  
 263 reestablishes the coalition and a new school readiness plan is  
 264 approved by the office.

265 4. Each early learning coalition shall be composed of at  
 266 least 15 members but not more than 30 members. The Office of  
 267 Early Learning shall adopt standards establishing within this  
 268 range the minimum and maximum number of members that may be  
 269 appointed to an early learning coalition and procedures for  
 270 identifying which members have voting privileges under  
 271 subparagraph 6. These standards must include variations for a  
 272 coalition serving a multicounty region. Each early learning  
 273 coalition must comply with these standards.

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

278 6. Each early learning coalition must include the  
 279 following member positions; however, in a multicounty coalition,

280 each ex officio member position may be filled by multiple  
 281 nonvoting members but no more than one voting member shall be  
 282 seated per member position. If an early learning coalition has  
 283 more than one member representing the same entity, only one of  
 284 such members may serve as a voting member:

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

288 b. A district superintendent of schools or his or her  
 289 designee who is authorized to make decisions on behalf of the  
 290 district.

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

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

295 e. A children's services council or juvenile welfare board  
 296 chair or executive director, if applicable.

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

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

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

303 i. A central agency administrator, where applicable.

304 j. A Head Start director.

305 k. A representative of private for-profit child care  
 306 providers, including private for-profit family day care homes.

307 l. A representative of faith-based child care providers.

308 m. A representative of programs for children with  
 309 disabilities under the federal Individuals with Disabilities  
 310 Education Act.

311 7. Including the members appointed by the Governor under  
 312 subparagraph 5., more than one-third of the members of each  
 313 early learning coalition must be private sector business members  
 314 who do not have, and none of whose relatives as defined in s.  
 315 112.3143 has, a substantial financial interest in the design or  
 316 delivery of the Voluntary Prekindergarten Education Program  
 317 created under part V of chapter 1002 or the coalition's school  
 318 readiness program. To meet this requirement an early learning  
 319 coalition must appoint additional members. The Office of Early  
 320 Learning shall establish criteria for appointing private sector  
 321 business members. These criteria must include standards for  
 322 determining whether a member or relative has a substantial  
 323 financial interest in the design or delivery of the Voluntary  
 324 Prekindergarten Education Program or the coalition's school  
 325 readiness program.

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

334 9. A voting member of an early learning coalition may not  
 335 appoint a designee to act in his or her place, except as

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336 otherwise provided in this paragraph. A voting member may send a  
 337 representative to coalition meetings, but that representative  
 338 does not have voting privileges. When a district administrator  
 339 for the Department of Children and Family Services appoints a  
 340 designee to an early learning coalition, the designee is the  
 341 voting member of the coalition, and any individual attending in  
 342 the designee's place, including the district administrator, does  
 343 not have voting privileges.

344 10. Each member of an early learning coalition is subject  
 345 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.  
 346 112.3143(3)(a), each voting member is a local public officer who  
 347 must abstain from voting when a voting conflict exists.

348 11. For purposes of tort liability, each member or  
 349 employee of an early learning coalition shall be governed by s.  
 350 768.28.

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

353 13. Each early learning coalition shall establish terms  
 354 for all appointed members of the coalition. The terms must be  
 355 staggered and must be a uniform length that does not exceed 4  
 356 years per term. Coalition chairs shall be appointed for 4 years  
 357 ~~in conjunction with their membership on the Early Learning~~  
 358 ~~Advisory Council under s. 20.052.~~ Appointed members may serve a  
 359 maximum of two consecutive terms. When a vacancy occurs in an  
 360 appointed position, the coalition must advertise the vacancy.

361 Section 8. Sections 1002.65 and 1002.77, Florida Statutes,  
 362 are repealed.

363 Section 9. This act shall take effect July 1, 2012.