

1                   A bill to be entitled  
2           An act relating to school readiness programs; amending  
3           s. 411.01, F.S.; defining terms for purposes of the  
4           School Readiness Act; revising legislative intent  
5           related to operation of school readiness programs;  
6           revising the number of early learning coalitions and  
7           the minimum number of children that each coalition  
8           must serve; deleting certain provisions related to the  
9           merger of coalitions; revising provisions related to  
10          school readiness plans adopted by early learning  
11          coalitions; deleting provisions for the establishment  
12          of payment rates and sliding fee scales by early  
13          learning coalitions; revising procurement requirements  
14          and requirements for the expenditure of funds by early  
15          learning coalitions; revising the eligibility criteria  
16          for the enrollment of children in the school readiness  
17          program and the priorities by which children are  
18          enrolled; providing procedures and notice requirements  
19          for the disenrollment of children; providing reporting  
20          requirements for children who are absent from the  
21          program; providing for the allocation of school  
22          readiness funds as specified in the General  
23          Appropriations Act and deleting provisions for the  
24          establishment of an allocation formula by the Office  
25          of Early Learning; limiting expenditures for  
26          administrative activities, quality activities, and  
27          nondirect services; providing for the payment of  
28          school readiness providers according to calculations

CS/HB 5103

2012

29 of payment rates and sliding fee scales as provided in  
30 the General Appropriations Act; authorizing the Office  
31 of Early Learning to request budget amendments for  
32 increased payment rates in certain geographic areas  
33 under certain circumstances; deleting a provision  
34 related to the applicability of provisions that  
35 conflict with federal requirements; defining the term  
36 "fraud" for purposes of the school readiness program;  
37 providing for investigations of fraud or overpayment  
38 in the school readiness program; providing for the  
39 repayment of identified overpayments; limiting the  
40 participation of school readiness providers and  
41 parents in the program until repayment is made in  
42 full; providing penalties for acts of fraud;  
43 conforming provisions; conforming cross-references;  
44 amending ss. 216.136 and 411.0101, F.S.; conforming  
45 cross-references; amending s. 411.01013, F.S.;  
46 revising provisions for calculation of the prevailing  
47 market rate schedule; requiring school readiness  
48 providers to annually submit their market rates by a  
49 specified date; amending ss. 411.0106 and 445.023,  
50 F.S.; conforming cross-references; providing an  
51 effective date.

52  
53 Be It Enacted by the Legislature of the State of Florida:

54  
55 Section 1. Section 411.01, Florida Statutes, is amended to  
56 read:

CS/HB 5103

2012

57 | 411.01 School readiness programs; early learning  
58 | coalitions.—

59 | (1) SHORT TITLE.—This section may be cited as the "School  
60 | Readiness Act."

61 | (2) LEGISLATIVE INTENT.—

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

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

78 | (c) It is the intent of the Legislature that school  
79 | readiness programs not exist as isolated programs, but build  
80 | upon existing services and work in cooperation with other  
81 | programs for young children, and that school readiness programs  
82 | be coordinated to achieve full effectiveness.

83 | (d) It is the intent of the Legislature that the  
84 | administrative staff for school readiness programs be kept to

CS/HB 5103

2012

85 the minimum necessary to administer the duties of the Office of  
86 Early Learning and early learning coalitions. The Office of  
87 Early Learning shall adopt system support services at the state  
88 level to build a comprehensive early learning system. Each early  
89 learning coalition shall implement and maintain direct  
90 enhancement services at the local level, as approved in its  
91 school readiness plan by the Office of Early Learning, and  
92 ensure access to such services in all 67 counties.

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

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

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

110 (a) "Adjusted payment rate percentage" means a specified  
111 percentage provided in the General Appropriations Act that is

CS/HB 5103

2012

112 applied to the prevailing market rate for each type of school  
113 readiness provider and level of care.

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

115 1. A child from a family under investigation by the  
116 Department of Children and Family Services or a designated  
117 sheriff's office for child abuse, neglect, abandonment, or  
118 exploitation.

119 2. A child who is in a diversion program provided by the  
120 Department of Children and Family Services or its contracted  
121 provider and who is from a family that is actively participating  
122 and complying in department-prescribed activities, including  
123 education, health services, or work.

124 3. A child from a family that is under supervision by the  
125 Department of Children and Family Services or a contracted  
126 service provider for abuse, neglect, abandonment, or  
127 exploitation.

128 4. A child placed in court-ordered, long-term custody or  
129 under the guardianship of a relative or nonrelative after  
130 termination of supervision by the Department of Children and  
131 Family Services or its contracted provider.

132 (c) "Authorized hours of care" means the hours of care  
133 that are necessary to provide protection or complete work  
134 activities or eligible educational activities, including  
135 reasonable travel time.

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

140       (e) "Economically disadvantaged" means having a family  
141 income that does not exceed 150 percent of the federal poverty  
142 level.

143       (f) "Family income" means the combined gross income,  
144 whether earned or unearned, that is derived from any source by  
145 all family or household members who are 18 years of age or older  
146 and currently residing together in the same dwelling unit. The  
147 term does not include income earned by a currently enrolled high  
148 school student who, since attaining the age of 18 years, has not  
149 terminated school enrollment or received a high school diploma,  
150 high school equivalency diploma, special diploma, or certificate  
151 of high school completion. The term also does not include food  
152 stamp benefits or federal housing assistance payments issued  
153 directly to a landlord or the associated utilities expenses.

154       (g) "Family or household members" means spouses, former  
155 spouses, persons related by blood or marriage, persons who are  
156 parents of a child in common regardless of whether they have  
157 been married, and other persons who are currently residing  
158 together in the same dwelling unit as if a family.

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

162       (i) "Gold Seal premium percentage" means a specified  
163 percentage provided in the General Appropriations Act that, for  
164 a school readiness provider that has the Gold Seal Quality Care  
165 designation under s. 402.281, is applied to the provider's  
166 adjusted payment rate.

167       (j) "In loco parentis" means acting as a child's temporary

CS/HB 5103

2012

168 guardian.

169 (k) "Market rate" means the price that a child care or  
170 early childhood education provider charges for full-time or  
171 part-time daily, weekly, or monthly child care or early  
172 childhood education services.

173 (l) "Office" means the Office of Early Learning of the  
174 Department of Education.

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

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

180 (o) "Prevailing market rate" means the biennially  
181 determined statewide median of the market rate for child care  
182 and early childhood education services.

183 (p) "Unearned income" means income other than earned  
184 income. The term includes, but is not limited to:

185 1. Documented alimony and child support received.

186 2. Social security benefits.

187 3. Supplemental security income benefits.

188 4. Workers' compensation benefits.

189 5. Unemployment compensation benefits.

190 6. Veterans' benefits.

191 7. Retirement benefits.

192 8. Temporary cash assistance under chapter 414.

193 9. Military housing assistance under the federal Family  
194 Subsistence Supplemental Allowance Program.

195 (q) "Working family" means:

196 1. A single-parent family in which the parent with whom  
 197 the child resides is employed or engaged in eligible education  
 198 activities for at least 20 hours per week;

199 2. A two-parent family in which both parents with whom the  
 200 child resides are each employed or engaged in eligible education  
 201 activities for at least 20 hours per week; or

202 3. A family in which the parents, as prescribed by rule of  
 203 the Office of Early Learning, are exempt from work requirements  
 204 due to age or a disability as determined and documented by a  
 205 physician licensed under chapter 458 or chapter 459.

206 (4) ~~(3)~~ PARENTAL PARTICIPATION IN SCHOOL READINESS  
 207 PROGRAMS.—This section does not:

208 (a) Relieve parents and guardians of their own obligations  
 209 to prepare their children for school; or

210 (b) Create any obligation to provide publicly funded  
 211 school readiness programs or services beyond those authorized by  
 212 the Legislature.

213 (5) ~~(4)~~ OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF  
 214 EDUCATION.—

215 (a) The Office of Early Learning shall administer school  
 216 readiness programs at the state level and shall coordinate with  
 217 the early learning coalitions in providing school readiness  
 218 services ~~on a full-day, full-year, full-choice basis to the~~  
 219 ~~extent possible in order~~ to enable parents to work and be  
 220 financially self-sufficient.

221 (b) The Office of Early Learning shall:

222 1. Coordinate the birth-to-kindergarten services for  
 223 children who are eligible under subsection (7) ~~(6)~~ and the



224 programmatic, administrative, and fiscal standards under this  
 225 chapter section for all ~~public~~ providers of school readiness  
 226 programs.

227 2. Focus on improving the educational quality of all  
 228 program providers participating in publicly funded school  
 229 readiness programs.

230 3. Provide comprehensive services to ~~the state's birth to~~  
 231 ~~5 population, which shall~~ ensure the preservation of parental  
 232 choice by permitting parents to choose from a variety of child  
 233 care categories, including: center-based child care; group home  
 234 child care; family child care; and in-home child care. Care and  
 235 curriculum by a sectarian provider may not be limited or  
 236 excluded in any of these categories.

237 (c) The Governor shall designate the Office of Early  
 238 Learning as the lead agency for administration of the federal  
 239 Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and  
 240 the office shall comply with the lead agency responsibilities  
 241 under federal law.

242 (d) The Office of Early Learning shall:

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

246 2. Provide final approval and every 2 years review early  
 247 learning coalitions and school readiness plans.

248 3. Establish a unified approach to the state's efforts  
 249 toward enhancement of school readiness. In support of this  
 250 effort, the Office of Early Learning shall adopt specific system  
 251 support services that address the state's school readiness

252 programs, and each. ~~An~~ early learning coalition shall implement  
 253 ~~amend its school readiness plan to conform to the specific~~  
 254 ~~system support services in its school readiness plan as provided~~  
 255 in subparagraph (6)(c)2. ~~adopted by the Office of Early~~  
 256 ~~Learning. System support services shall include, but are not~~  
 257 ~~limited to:~~

- 258 a. ~~Child care resource and referral services;~~
- 259 b. ~~Warm-Line services;~~
- 260 c. ~~Eligibility determinations;~~
- 261 d. ~~Child performance standards;~~
- 262 e. ~~Child screening and assessment;~~
- 263 f. ~~Developmentally appropriate curricula;~~
- 264 g. ~~Health and safety requirements;~~
- 265 h. ~~Statewide data system requirements; and~~
- 266 i. ~~Rating and improvement systems.~~

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

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

275 5.6. Provide technical assistance to early learning  
 276 coalitions in a manner determined by the Office of Early  
 277 Learning based upon information obtained by the office from  
 278 various sources, including, but not limited to, public input,  
 279 government reports, private interest group reports, office

280 monitoring visits, and coalition requests for service.

281 ~~6.7.~~ In cooperation with the early learning coalitions,  
 282 coordinate with the Child Care Services Program Office of the  
 283 Department of Children and Family Services to minimize  
 284 duplicating interagency activities, health and safety  
 285 monitoring, and acquiring and composing data pertaining to child  
 286 care training and credentialing.

287 ~~7.8.~~ Develop and adopt performance standards and outcome  
 288 measures for school readiness programs. The performance  
 289 standards must address the age-appropriate progress of children  
 290 in the development of school readiness skills. The performance  
 291 standards for children from birth to 5 years of age in school  
 292 readiness programs must be integrated with the performance  
 293 standards adopted by the Department of Education for children in  
 294 the Voluntary Prekindergarten Education Program under s.  
 295 1002.67.

296 ~~8.9.~~ Adopt a standard contract that must be used by the  
 297 coalitions when contracting with school readiness providers.

298 (e) The Office of Early Learning may adopt rules under ss.  
 299 120.536(1) and 120.54 to administer the provisions of law  
 300 conferring duties upon the office, including, but not limited  
 301 to, rules governing the administration of system support  
 302 services of school readiness programs, the collection of data,  
 303 the approval of early learning coalitions and school readiness  
 304 plans, the provision of a method whereby an early learning  
 305 coalition may serve two or more counties, the award of  
 306 incentives to early learning coalitions, child performance  
 307 standards, child outcome measures, the issuance of waivers, and

CS/HB 5103

2012

308 the implementation of the state's Child Care and Development  
309 Fund Plan as approved by the federal Administration for Children  
310 and Families.

311 (f) The Office of Early Learning shall have all powers  
312 necessary to administer this section, including, but not limited  
313 to, the power to receive and accept grants, loans, or advances  
314 of funds from any public or private agency and to receive and  
315 accept from any source contributions of money, property, labor,  
316 or any other thing of value, to be held, used, and applied for  
317 purposes of this section.

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

323 ~~(h) The Office of Early Learning shall have a budget for~~  
324 ~~school readiness programs, which shall be financed through an~~  
325 ~~annual appropriation made for purposes of this section in the~~  
326 ~~General Appropriations Act.~~

327 (h)~~(i)~~ The Office of Early Learning shall coordinate the  
328 efforts toward school readiness in this state and provide  
329 independent policy analyses, data analyses, and recommendations  
330 to the Governor, the State Board of Education, and the  
331 Legislature.

332 (i)~~(j)~~ The Office of Early Learning shall require that  
333 school readiness programs, at a minimum, enhance the age-  
334 appropriate progress of each child in attaining the performance  
335 standards adopted under subparagraph (d) 7. ~~(d) 8.~~ and in the

- 336 development of the following school readiness skills:
- 337 1. Compliance with rules, limitations, and routines.
  - 338 2. Ability to perform tasks.
  - 339 3. Interactions with adults.
  - 340 4. Interactions with peers.
  - 341 5. Ability to cope with challenges.
  - 342 6. Self-help skills.
  - 343 7. Ability to express the child's needs.
  - 344 8. Verbal communication skills.
  - 345 9. Problem-solving skills.
  - 346 10. Following of verbal directions.
  - 347 11. Demonstration of curiosity, persistence, and
  - 348 exploratory behavior.
  - 349 12. Interest in books and other printed materials.
  - 350 13. Paying attention to stories.
  - 351 14. Participation in art and music activities.
  - 352 15. Ability to identify colors, geometric shapes, letters
  - 353 of the alphabet, numbers, and spatial and temporal
  - 354 relationships.

355

356 Within 30 days after enrollment in the school readiness program,

357 the early learning coalition must ensure that the program

358 provider obtains information regarding the child's

359 immunizations, physical development, and other health

360 requirements as necessary, including appropriate vision and

361 hearing screening and examinations. For a program provider

362 licensed by the Department of Children and Family Services, the

363 provider's compliance with s. 402.305(9), as verified pursuant

CS/HB 5103

2012

364 to s. 402.311, shall satisfy this requirement.

365 (j)~~(k)~~ The Office of Early Learning shall conduct studies  
366 and planning activities related to the overall improvement and  
367 effectiveness of the outcome measures adopted by the office for  
368 school readiness programs and the specific system support  
369 services to address the state's school readiness programs  
370 adopted by the Office of Early Learning in accordance with  
371 subparagraph (d)3.

372 (k)~~(l)~~ The Office of Early Learning shall monitor and  
373 evaluate the performance of each early learning coalition in  
374 administering the school readiness program, implementing the  
375 coalition's school readiness plan, and administering the  
376 Voluntary Prekindergarten Education Program. These monitoring  
377 and performance evaluations must include, at a minimum, onsite  
378 monitoring of each coalition's finances, management, operations,  
379 and programs.

380 (l)~~(m)~~ The Office of Early Learning shall submit an annual  
381 report of its activities conducted under this section to the  
382 Governor, the President of the Senate, the Speaker of the House  
383 of Representatives, and the minority leaders of both houses of  
384 the Legislature. In addition, the Office of Early Learning's  
385 reports and recommendations shall be made available to the  
386 Florida Early Learning Advisory Council and other appropriate  
387 state agencies and entities. The annual report must provide an  
388 analysis of school readiness activities across the state,  
389 including the number of children who were served in the  
390 programs.

391 (m)~~(n)~~ The Office of Early Learning shall work with the

CS/HB 5103

2012

392 | early learning coalitions to ensure availability of training and  
 393 | support for parental involvement in children's early education  
 394 | and to provide family literacy activities and services.

395 | (6)~~(5)~~ CREATION OF EARLY LEARNING COALITIONS.—

396 | (a) Early learning coalitions.—

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

400 | 2. The Office of Early Learning shall establish the  
 401 | minimum number of children to be served by each early learning  
 402 | coalition through the coalition's school readiness program. The  
 403 | Office of Early Learning may only approve school readiness plans  
 404 | in accordance with this minimum number. The minimum number must  
 405 | be uniform for every early learning coalition and must:

406 | a. Permit 25 ~~31~~ or fewer coalitions to be established; and

407 | b. Require each coalition to serve at least 1,700 ~~2,000~~  
 408 | children based upon the average number of all children served  
 409 | per month through the coalition's school readiness program  
 410 | during the previous 12 months.

411 | ~~3. If an early learning coalition would serve fewer  
 412 | children than the minimum number established under subparagraph  
 413 | 2., the coalition must merge with another county to form a  
 414 | multicounty coalition. The Office of Early Learning shall adopt  
 415 | procedures for merging early learning coalitions, including  
 416 | procedures for the consolidation of merging coalitions, and for  
 417 | the early termination of the terms of coalition members which  
 418 | are necessary to accomplish the mergers. However, the Office of  
 419 | Early Learning shall grant a waiver to an early learning~~

420 ~~coalition to serve fewer children than the minimum number~~  
421 ~~established under subparagraph 2., if:~~

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

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

430 ~~c. The coalition demonstrates to the Office of Early~~  
431 ~~Learning that the coalition can perform its duties in accordance~~  
432 ~~with law.~~

433  
434 ~~If an early learning coalition fails or refuses to merge as~~  
435 ~~required by this subparagraph, the Office of Early Learning may~~  
436 ~~dissolve the coalition and temporarily contract with a qualified~~  
437 ~~entity to continue school readiness and prekindergarten services~~  
438 ~~in the coalition's county or multicounty region until the office~~  
439 ~~reestablishes the coalition and a new school readiness plan is~~  
440 ~~approved by the office.~~

441 ~~3.4.~~ Each early learning coalition shall be composed of at  
442 least 15 members but not more than 30 members. The Office of  
443 Early Learning shall adopt standards establishing within this  
444 range the minimum and maximum number of members that may be  
445 appointed to an early learning coalition and procedures for  
446 identifying which members have voting privileges under  
447 subparagraph 5. ~~6.~~ These standards must include variations for a



448 coalition serving a multicounty region. Each early learning  
 449 coalition must comply with these standards.

450 ~~4.5.~~ The Governor shall appoint the chair and two other  
 451 members of each early learning coalition, who must each meet the  
 452 same qualifications as private sector business members appointed  
 453 by the coalition under subparagraph ~~6.~~ 7.

454 ~~5.6.~~ Each early learning coalition must include the  
 455 following member positions; however, in a multicounty coalition,  
 456 each ex officio member position may be filled by multiple  
 457 nonvoting members but no more than one voting member shall be  
 458 seated per member position. If an early learning coalition has  
 459 more than one member representing the same entity, only one of  
 460 such members may serve as a voting member:

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

464 b. A district superintendent of schools or his or her  
 465 designee who is authorized to make decisions on behalf of the  
 466 district.

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

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

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

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

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

476 designee.

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

479 i. A central agency administrator, where applicable.

480 j. A Head Start director.

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

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

484 m. A representative of programs for children with  
485 disabilities under the federal Individuals with Disabilities  
486 Education Act.

487 ~~6.7.~~ Including the members appointed by the Governor under  
488 subparagraph 4. 5., more than one-third of the members of each  
489 early learning coalition must be private sector business members  
490 who do not have, and none of whose relatives as defined in s.  
491 112.3143 has, a substantial financial interest in the design or  
492 delivery of the Voluntary Prekindergarten Education Program  
493 created under part V of chapter 1002 or the coalition's school  
494 readiness program. To meet this requirement an early learning  
495 coalition must appoint additional members. The Office of Early  
496 Learning shall establish criteria for appointing private sector  
497 business members. These criteria must include standards for  
498 determining whether a member or relative has a substantial  
499 financial interest in the design or delivery of the Voluntary  
500 Prekindergarten Education Program or the coalition's school  
501 readiness program.

502 ~~7.8.~~ A majority of the voting membership of an early  
503 learning coalition constitutes a quorum required to conduct the

CS/HB 5103

2012

504 business of the coalition. An early learning coalition board may  
505 use any method of telecommunications to conduct meetings,  
506 including establishing a quorum through telecommunications,  
507 provided that the public is given proper notice of a  
508 telecommunications meeting and reasonable access to observe and,  
509 when appropriate, participate.

510 ~~8.9.~~ A voting member of an early learning coalition may  
511 not appoint a designee to act in his or her place, except as  
512 otherwise provided in this paragraph. A voting member may send a  
513 representative to coalition meetings, but that representative  
514 does not have voting privileges. When a district administrator  
515 for the Department of Children and Family Services appoints a  
516 designee to an early learning coalition, the designee is the  
517 voting member of the coalition, and any individual attending in  
518 the designee's place, including the district administrator, does  
519 not have voting privileges.

520 ~~9.10.~~ Each member of an early learning coalition is  
521 subject to ss. 112.313, 112.3135, and 112.3143. For purposes of  
522 s. 112.3143(3)(a), each voting member is a local public officer  
523 who must abstain from voting when a voting conflict exists.

524 ~~10.11.~~ For purposes of tort liability, each member or  
525 employee of an early learning coalition shall be governed by s.  
526 768.28.

527 ~~11.12.~~ An early learning coalition serving a multicounty  
528 region must include representation from each county.

529 ~~12.13.~~ Each early learning coalition shall establish terms  
530 for all appointed members of the coalition. The terms must be  
531 staggered and must be a uniform length that does not exceed 4

532 | years per term. Coalition chairs shall be appointed for 4 years  
533 | in conjunction with their membership on the Early Learning  
534 | Advisory Council under s. 20.052. Appointed members may serve a  
535 | maximum of two consecutive terms. When a vacancy occurs in an  
536 | appointed position, the coalition must advertise the vacancy.

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

543 |       (c) Program expectations.—

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

546 |           a. The program must, at a minimum, enhance the age-  
547 | appropriate progress of each child in attaining the performance  
548 | standards and outcome measures adopted by the Office of Early  
549 | Learning.

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

553 |           c. The program must provide a coordinated professional  
554 | development system that supports the achievement and maintenance  
555 | of core competencies by school readiness instructors in helping  
556 | children attain the performance standards and outcome measures  
557 | adopted by the Office of Early Learning.

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

CS/HB 5103

2012

560 sufficiency.

561 e. There must be a single point of entry and unified  
562 waiting list. As used in this sub-subparagraph, the term "single  
563 point of entry" means an integrated information system that  
564 allows a parent to enroll his or her child in the school  
565 readiness program at various locations throughout a county, that  
566 may allow a parent to enroll his or her child by telephone or  
567 through an Internet website, and that uses a unified waiting  
568 list to track eligible children waiting for enrollment in the  
569 school readiness program. The Office of Early Learning shall  
570 establish through technology a single statewide information  
571 system that each coalition must use for the purposes of managing  
572 the single point of entry, tracking children's progress,  
573 coordinating services among stakeholders, determining  
574 eligibility, tracking child attendance, and streamlining  
575 administrative processes for providers and early learning  
576 coalitions.

577 ~~f. The Office of Early Learning must consider the access~~  
578 ~~of eligible children to the school readiness program, as~~  
579 ~~demonstrated in part by waiting lists, before approving a~~  
580 ~~proposed increase in payment rates submitted by an early~~  
581 ~~learning coalition. In addition, early learning coalitions shall~~  
582 ~~use school readiness funds made available due to enrollment~~  
583 ~~shifts from school readiness programs to the Voluntary~~  
584 ~~Prekindergarten Education Program for increasing the number of~~  
585 ~~children served in school readiness programs before increasing~~  
586 ~~payment rates.~~

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

CS/HB 5103

2012

588 where applicable.

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

595 2. Each early learning coalition must implement a  
596 comprehensive program of school readiness services in accordance  
597 with the rules adopted by the office which enhance the  
598 cognitive, social, and physical development of children to  
599 achieve the performance standards and outcome measures. At a  
600 minimum, these programs must contain the following system  
601 support service elements:

602 a. Developmentally appropriate curriculum designed to  
603 enhance the age-appropriate progress of children in attaining  
604 the performance standards adopted by the Office of Early  
605 Learning under subparagraph (5) (d) 7. ~~(4) (d) 8.~~

606 b. A character development program to develop basic  
607 values.

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

610 d. An age-appropriate assessment administered to children  
611 when they enter a program and an age-appropriate assessment  
612 administered to children when they leave the program.

613 e. An appropriate staff-to-children ratio, pursuant to s.  
614 402.305(4) or s. 402.302(8) or (11), as applicable, and as  
615 verified pursuant to s. 402.311.

616 f. A healthy and safe environment pursuant to s.  
 617 401.305(5), (6), and (7), as applicable, and as verified  
 618 pursuant to s. 402.311.

619 g. A resource and referral network established under s.  
 620 411.0101 to assist parents in making an informed choice and a  
 621 regional Warm-Line under s. 411.01015.

622  
 623 The Office of Early Learning and early learning coalitions shall  
 624 coordinate with the Child Care Services Program Office of the  
 625 Department of Children and Family Services to minimize  
 626 duplicating interagency activities pertaining to acquiring and  
 627 composing data for child care training and credentialing.

628 (d) Implementation.—

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

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

639 a. Implement the school readiness program to meet the  
 640 requirements of this section and the system support services,  
 641 performance standards, and outcome measures adopted by the  
 642 Office of Early Learning.

643 b. Demonstrate how the program will ensure that each child

CS/HB 5103

2012

644 from birth through 5 years of age in a publicly funded school  
645 readiness program receives scheduled activities and instruction  
646 designed to enhance the age-appropriate progress of the children  
647 in attaining the performance standards adopted by the department  
648 under subparagraph (5)(d)7. ~~(4)(d)8.~~

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

652  
653 Before implementing the school readiness program, the early  
654 learning coalition must submit the plan to the office for  
655 approval. The office may approve the plan, reject the plan, or  
656 approve the plan with conditions. The office shall review school  
657 readiness plans at least every 2 years.

658 3. If the Office of Early Learning determines during the  
659 review of school readiness plans, or through monitoring and  
660 performance evaluations conducted under paragraph (5)(k) ~~(4)(l)~~,  
661 that an early learning coalition has not substantially  
662 implemented its plan, has not substantially met the performance  
663 standards and outcome measures adopted by the office, or has not  
664 effectively administered the school readiness program or  
665 Voluntary Prekindergarten Education Program, the office may  
666 dissolve the coalition and temporarily contract with a qualified  
667 entity to continue school readiness and prekindergarten services  
668 in the coalition's county or multicounty region until the office  
669 reestablishes the coalition and a new school readiness plan is  
670 approved in accordance with the rules adopted by the office.

671 4. The Office of Early Learning shall adopt rules



672 establishing criteria for the approval of school readiness  
 673 plans. The criteria must be consistent with the system support  
 674 services, performance standards, and outcome measures adopted by  
 675 the office and must require each approved plan to include the  
 676 following minimum standards for the school readiness program:

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

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

683 b.e. A choice of settings and locations in licensed,  
 684 registered, religious-exempt, or school-based programs to be  
 685 provided to parents.

686 ~~d. Specific eligibility priorities for children in~~  
 687 ~~accordance with subsection (6).~~

688 c.e. Performance standards and outcome measures adopted by  
 689 the office.

690 ~~f. Payment rates adopted by the early learning coalitions~~  
 691 ~~and approved by the office. Payment rates may not have the~~  
 692 ~~effect of limiting parental choice or creating standards or~~  
 693 ~~levels of services that have not been expressly established by~~  
 694 ~~the Legislature, unless the creation of such standards or levels~~  
 695 ~~of service, which must be uniform throughout the state, has been~~  
 696 ~~approved by the Federal Government and result in the state being~~  
 697 ~~eligible to receive additional federal funds available for early~~  
 698 ~~learning on a statewide basis.~~

699 ~~g. Direct enhancement services for families and children.~~

CS/HB 5103

2012

700 ~~System support and direct enhancement services shall be in~~  
701 ~~addition to payments for the placement of children in school~~  
702 ~~readiness programs. Direct enhancement services for families may~~  
703 ~~include parent training and involvement activities and~~  
704 ~~strategies to meet the needs of unique populations and local~~  
705 ~~eligibility priorities. Enhancement services for children may~~  
706 ~~include provider supports and professional development approved~~  
707 ~~in the plan by the Office of Early Learning.~~

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

717 ~~i. The implementation of locally developed quality~~  
718 ~~programs in accordance with the requirements adopted by the~~  
719 ~~office under subparagraph (4)(d)5.~~

720  
721 The Office of Early Learning may request the Governor to apply  
722 for a waiver to allow the coalition to administer the Head Start  
723 Program to accomplish the purposes of the school readiness  
724 program.

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

728           6. An early learning coalition may not implement its  
 729 school readiness plan until it submits the plan to and receives  
 730 approval from the Office of Early Learning. Once the plan is  
 731 approved, the plan and the services provided under the plan  
 732 shall be controlled by the early learning coalition. The plan  
 733 shall be reviewed and revised as necessary, but at least  
 734 biennially. An early learning coalition may not implement the  
 735 revisions until the coalition submits the revised plan to and  
 736 receives approval from the office. If the office rejects a  
 737 revised plan, the coalition must continue to operate under its  
 738 prior approved plan.

739           7. Section 125.901(2)(a)3. does not apply to school  
 740 readiness programs. The Office of Early Learning may apply to  
 741 the Governor and Cabinet for a waiver of, and the Governor and  
 742 Cabinet may waive, any of the provisions of ss. 411.223 and  
 743 1003.54, if the waiver is necessary for implementation of school  
 744 readiness programs.

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

748           (e) Requests for proposals; ~~payment schedule.~~

749           ~~1.~~ Each early learning coalition must comply with federal  
 750 ~~the procurement requirements and the expenditure requirements of~~  
 751 ~~procedures adopted by the Office of Early Learning, including,~~  
 752 ~~but not limited to, applying the procurement and expenditure~~  
 753 ~~procedures required by federal and state law and state rules for~~  
 754 ~~the expenditure of federal funds.~~

755           ~~2.~~ Each early learning coalition shall adopt a payment

756 ~~schedule that encompasses all programs funded under this~~  
 757 ~~section. The payment schedule must take into consideration the~~  
 758 ~~prevailing market rate, must include the projected number of~~  
 759 ~~children to be served, and must be submitted for approval by the~~  
 760 ~~Office of Early Learning. Informal child care arrangements shall~~  
 761 ~~be reimbursed at not more than 50 percent of the rate adopted~~  
 762 ~~for a family day care home.~~

763 (f) Evaluation and annual report.—Each early learning  
 764 coalition shall conduct an evaluation of its implementation of  
 765 the school readiness program, including system support services,  
 766 performance standards, and outcome measures, and shall provide  
 767 an annual report and fiscal statement to the Office of Early  
 768 Learning. This report must also include an evaluation of the  
 769 effectiveness of its direct enhancement services and conform to  
 770 the content and format specifications adopted by the Office of  
 771 Early Learning. The Office of Early Learning must include an  
 772 analysis of the early learning coalitions' reports in the  
 773 office's annual report.

774 ~~(7)(6) PROGRAM ELIGIBILITY AND ENROLLMENT. The school~~  
 775 ~~readiness program is established for children from birth to the~~  
 776 ~~beginning of the school year for which a child is eligible for~~  
 777 ~~admission to kindergarten in a public school under s.~~  
 778 ~~1003.21(1)(a)2. or who are eligible for any federal subsidized~~  
 779 ~~child care program.~~

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

782 1. ~~(a)~~ Priority shall be given first to a child younger  
 783 than 13 years of age from a working family that includes ~~in~~

CS/HB 5103

2012

784 ~~which there is an adult receiving temporary cash assistance~~  
785 ~~under chapter 414 who is subject to federal work requirements.~~

786 2. (b) Priority shall be given next to an at-risk a child  
787 younger than 9 years of age who is eligible for a school  
788 readiness program but who has not yet entered school, who is  
789 served by the Family Safety Program Office of the Department of  
790 Children and Family Services or a community-based lead agency  
791 under chapter 39 or chapter 409, and for whom child care is  
792 needed to minimize risk of further abuse, neglect, or  
793 abandonment.

794 3. Priority shall be given next to a child from birth to  
795 the beginning of the school year for which the child is eligible  
796 for admission to kindergarten in a public school under s.  
797 1003.21(1)(a)2. from a working family that is economically  
798 disadvantaged. However, the child ceases to be eligible if his  
799 or her family income exceeds 200 percent of the federal poverty  
800 level.

801 4. Priority shall be given next to an at-risk child who is  
802 at least 9 years of age, but younger than 13 years of age. An  
803 at-risk child whose sibling is enrolled in the school readiness  
804 program within an eligibility priority category listed in  
805 subparagraphs 1.-3. shall be given priority over other children  
806 who are eligible under this subparagraph.

807 5. Notwithstanding subparagraphs 1.-4., priority shall be  
808 given last to a child who otherwise meets one of the eligibility  
809 criteria in subparagraphs 1.-4. but who is also enrolled  
810 concurrently in the federal Head Start Program and the Voluntary  
811 Prekindergarten Education Program.

CS/HB 5103

2012

812 (b) A school readiness provider may be paid only for  
813 authorized hours of care provided for a child in the school  
814 readiness program. A child enrolled in the Voluntary  
815 Prekindergarten Education Program may receive part-time care  
816 from the school readiness program if the child is eligible  
817 according to the eligibility priorities provided in paragraph  
818 (a).

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

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

827 (e) A child ceases to be eligible for the school readiness  
828 program if a parent with whom the child resides does not  
829 reestablish employment within 30 days after becoming unemployed.

830 (f) Eligibility for each child must be reevaluated  
831 annually. Upon reevaluation, a child may not continue to receive  
832 school readiness services if he or she has ceased to be eligible  
833 under this subsection.

834 (g) If a coalition disenrolls children from the school  
835 readiness program, the coalition must disenroll the children in  
836 reverse order of the eligibility priorities listed in paragraph  
837 (a), beginning with children from families with the highest  
838 family incomes. A notice of disenrollment must be sent to  
839 parents and school readiness providers at least 2 weeks before

840 disenrollment to ensure adequate time for parents to arrange  
 841 alternative care for their children.

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

846 2. Notwithstanding s. 39.604, a school readiness provider,  
 847 regardless of whether the provider is licensed, shall comply  
 848 with the reporting requirements of the Rilya Wilson Act for each  
 849 at-risk child enrolled in the school readiness program,  
 850 regardless of the child's age or eligibility for protective  
 851 services.

852 ~~(c) Subsequent priority shall be given to a child who~~  
 853 ~~meets one or more of the following criteria:~~

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

856 ~~a. Is at risk of welfare dependency, including an~~  
 857 ~~economically disadvantaged child, a child of a participant in~~  
 858 ~~the welfare transition program, a child of a migratory~~  
 859 ~~agricultural worker, or a child of a teen parent.~~

860 ~~b. Is a member of a working family that is economically~~  
 861 ~~disadvantaged.~~

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

864 ~~2. A 3-year-old child or 4-year-old child who may not be~~  
 865 ~~economically disadvantaged but who has a disability; has been~~  
 866 ~~served in a specific part-time exceptional education program or~~  
 867 ~~a combination of part-time exceptional education programs with~~

868 ~~required special services, aids, or equipment; and was~~  
 869 ~~previously reported for funding part time under the Florida~~  
 870 ~~Education Finance Program as an exceptional student.~~

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

875 ~~4. A child who meets federal and state eligibility~~  
 876 ~~requirements for the migrant preschool program but who is not~~  
 877 ~~economically disadvantaged.~~

878  
 879 ~~As used in this paragraph, the term "economically disadvantaged"~~  
 880 ~~means having a family income that does not exceed 150 percent of~~  
 881 ~~the federal poverty level. Notwithstanding any change in a~~  
 882 ~~family's economic status, but subject to additional family~~  
 883 ~~contributions in accordance with the sliding fee scale, a child~~  
 884 ~~who meets the eligibility requirements upon initial registration~~  
 885 ~~for the program remains eligible until the beginning of the~~  
 886 ~~school year for which the child is eligible for admission to~~  
 887 ~~kindergarten in a public school under s. 1003.21(1)(a)2.~~

888 (8) ~~(7)~~ PARENTAL CHOICE.—

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

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

895 (c) The school readiness program shall, in accordance with



CS/HB 5103

2012

896 45 C.F.R. s. 98.30, provide parental choice through a payment  
 897 certificate that ensures, to the maximum extent possible,  
 898 flexibility in the school readiness program and payment  
 899 arrangements. The payment certificate must bear the names of the  
 900 beneficiary and the program provider and, when redeemed, must  
 901 bear the signatures of both the beneficiary and an authorized  
 902 representative of the provider.

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

908 (e) The office of the Chief Financial Officer shall  
 909 establish an electronic transfer system for the disbursement of  
 910 funds in accordance with this subsection. Each early learning  
 911 coalition shall fully implement the electronic funds transfer  
 912 system within 2 years after approval of the coalition's school  
 913 readiness plan, unless a waiver is obtained from the Office of  
 914 Early Learning.

915 (9)~~(8)~~ STANDARDS; OUTCOME MEASURES.—A program provider  
 916 participating in the school readiness program must meet the  
 917 performance standards and outcome measures adopted by the Office  
 918 of Early Learning.

919 (10)~~(9)~~ FUNDING; SCHOOL READINESS PROGRAM.—

920 (a) Funding for the school readiness program shall be  
 921 allocated among the early learning coalitions in accordance with  
 922 this section as provided in the General Appropriations Act.

923 ~~(a) It is the intent of this section to establish an~~

924 ~~integrated and quality seamless service delivery system for all~~  
 925 ~~publicly funded early childhood education and child care~~  
 926 ~~programs operating in this state.~~

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

931 2. All instructions to early learning coalitions for  
 932 administering this section shall emanate from the Office of  
 933 Early Learning in accordance with the policies of the  
 934 Legislature.

935 ~~(c) The Office of Early Learning, subject to legislative~~  
 936 ~~notice and review under s. 216.177, shall establish a formula~~  
 937 ~~for the allocation of all state and federal school readiness~~  
 938 ~~funds provided for children participating in the school~~  
 939 ~~readiness program, whether served by a public or private~~  
 940 ~~provider, based upon equity for each county. The allocation~~  
 941 ~~formula must be submitted to the Governor, the chair of the~~  
 942 ~~Senate Ways and Means Committee or its successor, and the chair~~  
 943 ~~of the House of Representatives Fiscal Council or its successor~~  
 944 ~~no later than January 1 of each year. If the Legislature~~  
 945 ~~specifies changes to the allocation formula, the Office of Early~~  
 946 ~~Learning shall allocate funds as specified in the General~~  
 947 ~~Appropriations Act.~~

948 (c)~~(d)~~ All state, federal, and required local maintenance-  
 949 of-effort or matching funds provided to an early learning  
 950 coalition for purposes of this section shall be used for  
 951 implementation of its approved school readiness plan, including

CS/HB 5103

2012

952 the hiring of staff to effectively operate the coalition's  
953 school readiness program. ~~As part of plan approval and periodic~~  
954 ~~plan review, the Office of Early Learning shall require that~~  
955 ~~administrative~~

956 (d) Costs shall be kept to the minimum necessary for the  
957 efficient and effective administration of the school readiness  
958 program plan, but, of the funds described in paragraph (c):

959 1. No more than 4 percent may be expended for ~~total~~  
960 administrative activities as described in 45 C.F.R. s. 98.52,  
961 which shall be limited to the following:

962 a. Planning for local implementation of the school  
963 readiness program.

964 b. Providing local officials and the public with  
965 information about the school readiness program to support  
966 fundraising efforts for local matching funds.

967 c. Monitoring program activities for compliance with  
968 program requirements.

969 d. Evaluating and reporting program activities and  
970 accomplishments to the Office of Early Learning.

971 e. Maintaining substantiated complaint files.

972 f. Coordinating with state and local child care, early  
973 childhood education, and before-school and after-school care  
974 programs for the provision of school readiness services.

975 g. Paying travel expenses.

976 h. Accounting and audit services.

977 i. Purchasing goods and services required for the  
978 administration of the program.

979 j. Indirect costs.

980 2. No more than 6 percent may be expended for activities  
 981 to improve the quality of child care as described in 45 C.F.R.  
 982 s. 98.51, which shall be limited to the following:

983 a. Developing, establishing, expanding, operating, and  
 984 coordinating resource and referral programs specifically related  
 985 to the provision of comprehensive consumer education to parents  
 986 and the public regarding participation in the school readiness  
 987 program.

988 b. Awarding grants to school readiness providers to assist  
 989 them in implementing developmentally appropriate curricula and  
 990 related classroom resources that support the curricula and  
 991 providing literacy supports.

992 c. Providing training to school readiness providers and  
 993 parents on child performance standards, child screenings, child  
 994 assessments, developmentally appropriate curricula, character  
 995 development, teacher-child interactions, age-appropriate  
 996 discipline practices, health and safety, nutrition, first aid,  
 997 the recognition of communicable diseases, and child abuse  
 998 detection and prevention.

999 d. Providing from among the funds provided for the  
 1000 activities described in sub-subparagraphs a.-c. adequate funding  
 1001 of direct services for infants and toddlers as necessary to meet  
 1002 federal requirements related to expenditures for quality  
 1003 activities for infant and toddler care.

1004 e. Assisting the provider in implementing a preassessment  
 1005 and postassessment approved by the Office of Early Learning.

1006 f. Responding to Warm-Line requests by providers related  
 1007 to school readiness children, including providing developmental

1008 and health screenings to school readiness children.  
 1009  
 1010 However, a coalition may expend for quality activities under  
 1011 this subparagraph any unused funds available within the  
 1012 expenditure limits imposed by subparagraphs 1. and 3. upon  
 1013 administrative activities and nondirect services.  
 1014 3. No more than 8 percent may be expended for nondirect  
 1015 services required to administer the school program, which shall  
 1016 be limited to the following:  
 1017 a. Eligibility determination and redetermination.  
 1018 b. Enrollment processes and services.  
 1019 c. Processing and tracking attendance records.  
 1020 d. Paying providers.  
 1021 e. Review and supervision of child care placements to  
 1022 ensure compliance with federal, state, and local laws.  
 1023 f. Preparation and participation in judicial hearings.  
 1024 g. Child care placement.  
 1025 h. The establishment and maintenance of computerized child  
 1026 care information systems necessary to implement the school  
 1027 readiness program.  
 1028  
 1029 As used in this subparagraph, the term "nondirect services" does  
 1030 not include payments to school readiness providers for direct  
 1031 services provided to eligible children pursuant to subsection  
 1032 (7), administrative activities described in subparagraph 1., or  
 1033 quality activities described in subparagraph 2. expenditures  
 1034 ~~must not exceed 5 percent unless specifically waived by the~~  
 1035 ~~Office of Early Learning. The Office of Early Learning shall~~

CS/HB 5103

2012

1036 ~~annually report to the Legislature any problems relating to~~  
1037 ~~administrative costs.~~

1038 (e)1. A sliding fee scale percentage shall be provided in  
1039 the General Appropriations Act, which shall be the same for all  
1040 school readiness providers. A parent's copayment for the school  
1041 readiness program shall be determined by multiplying the sliding  
1042 fee scale percentage by the family income and adjusting for  
1043 family size.

1044 2. Each early learning coalition shall implement the  
1045 sliding fee scale as provided in the General Appropriations Act.  
1046 A coalition may, on a case-by-case basis, waive the copayment  
1047 for an at-risk child or temporarily waive the copayment for a  
1048 child whose family experiences a natural disaster or emergency  
1049 situation such as a household fire or burglary.

1050 (f)1. An adjusted payment rate percentage shall be  
1051 provided in the General Appropriations Act, which shall be used  
1052 to determine annual payment rates for school readiness  
1053 providers. The annual payment rates for each type of school  
1054 readiness provider and level of care shall be calculated by:

1055 a. Multiplying the prevailing market rate for the  
1056 respective type of school readiness provider and level of care  
1057 by the adjusted payment rate percentage;

1058 b. Adjusting the product of sub-subparagraph a. by the  
1059 district cost differential as provided in s. 1011.62(2) for the  
1060 county in which the school readiness provider is located; and

1061 c. If the school readiness provider has the Gold Seal  
1062 Quality Care designation under s. 402.281, multiplying the  
1063 product of sub-subparagraph b. by the Gold Seal premium

1064 percentage.

1065 2. A school readiness provider's total payment for a child  
 1066 shall be equal to the payment rate calculated under subparagraph  
 1067 1. less the amount of the parent's copayment as determined under  
 1068 paragraph (e). However, payments made to the school readiness  
 1069 provider may not exceed the provider's charges to the general  
 1070 public for the same services.

1071 (g) The Office of Early Learning may request a budget  
 1072 amendment to increase the adjusted payment rate percentage for a  
 1073 specific geographic area in order to ensure that care levels are  
 1074 available throughout the state. Any request to increase an  
 1075 adjusted payment rate percentage must be funded through the  
 1076 current year's appropriation and within each early learning  
 1077 coalition's allocation for the affected geographic area. The  
 1078 budget amendment is subject to review and approval by the  
 1079 Legislative Budget Commission.

1080 ~~(e) The Office of Early Learning shall annually~~  
 1081 ~~distribute, to a maximum extent practicable, all eligible funds~~  
 1082 ~~provided under this section as block grants to the early~~  
 1083 ~~learning coalitions in accordance with the terms and conditions~~  
 1084 ~~specified by the office.~~

1085 (h)~~(f)~~ State funds appropriated for the school readiness  
 1086 program may not be used for the construction of new facilities  
 1087 or the purchase of buses.

1088 (i)~~(g)~~ All cost savings and all revenues received through  
 1089 a mandatory sliding fee scale shall be used to help fund each  
 1090 early learning coalition's school readiness program.

1091 ~~(10) CONFLICTING PROVISIONS. If a conflict exists between~~

1092 ~~this section and federal requirements, the federal requirements~~  
 1093 ~~control.~~

1094 (11) SUBSTITUTE INSTRUCTORS.—Each school district shall  
 1095 make a list of all individuals currently eligible to act as a  
 1096 substitute teacher within the county pursuant to the rules  
 1097 adopted by the school district pursuant to s. 1012.35 available  
 1098 to an early learning coalition serving students within the  
 1099 school district. Child care facilities, as defined by s.  
 1100 402.302, may employ individuals listed as substitute instructors  
 1101 for the purpose of offering the school readiness program, the  
 1102 Voluntary Prekindergarten Education Program, and all other  
 1103 legally operating child care programs.

1104 (12) INVESTIGATIONS OF FRAUD OR OVERPAYMENT; PENALTIES.—

1105 (a) As used in this subsection, the term "fraud" means an  
 1106 intentional deception or misrepresentation made by a person with  
 1107 knowledge that the deception or misrepresentation may result in  
 1108 unauthorized benefit to that person or another person. The term  
 1109 includes any act that constitutes fraud under applicable federal  
 1110 or state law.

1111 (b) To recover state, federal, and local matching funds,  
 1112 the inspector general of the Office of Early Learning shall  
 1113 investigate coalitions, recipients, and providers of the school  
 1114 readiness program and the Voluntary Prekindergarten Education  
 1115 Program to determine possible fraud or overpayment. If by its  
 1116 own inquiries, or as a result of a complaint, the office has  
 1117 reason to believe that a person has engaged in, or is engaging  
 1118 in, a fraudulent act, it shall investigate and determine whether  
 1119 any overpayment has occurred due to the fraudulent act. During



CS/HB 5103

2012

1120 the investigation, the office may examine all records, including  
1121 electronic benefits transfer records, and make inquiry of all  
1122 persons who may have knowledge as to any irregularity incidental  
1123 to the disbursement of public moneys or other items or benefits  
1124 authorizations to recipients.

1125 (c) If the inspector general determines that an  
1126 overpayment has occurred due to a fraudulent act, the parent or  
1127 provider is responsible for repayment and restitution of any  
1128 costs associated with the fraud, and the office shall pursue  
1129 collection through any legal means. A provider or parent may not  
1130 participate in the program until the repayment is made in full.  
1131 Any provider that shares an officer or director with a provider  
1132 that is ineligible to participate under this subsection will not  
1133 be permitted to participate until repayment is made in full.

1134 (d) Based on the results of the investigation, the  
1135 inspector general may, in his or her discretion, refer the  
1136 investigation to the Department of Law Enforcement for criminal  
1137 prosecution, seek civil enforcement, or refer the matter to the  
1138 applicable coalition. Any suspected criminal violation  
1139 identified by the inspector general must be referred to the  
1140 Department of Legal Affairs for investigation.

1141 (e) If a school readiness provider, after investigation  
1142 and adjudication by a court of competent jurisdiction, is  
1143 convicted of fraudulently misrepresenting enrollment or  
1144 attendance related to the school readiness program or the  
1145 Voluntary Education Prekindergarten Program, the coalition shall  
1146 permanently refrain from contracting with, or using the services  
1147 of, that provider. In addition, the coalition shall permanently

1148 refrain from contracting with, or using the services of, any  
 1149 provider that shares an officer or director with a provider that  
 1150 is convicted of fraudulently misrepresenting enrollment or  
 1151 attendance related to the school readiness program or the  
 1152 Voluntary Education Prekindergarten Program.

1153 (f) If the investigation is not confidential or otherwise  
 1154 exempt from disclosure by law, the results of the investigation  
 1155 may be reported by the Office of Early Learning to the  
 1156 appropriate legislative committees, the Department of Education,  
 1157 the Department of Children and Family Services, and such other  
 1158 persons as the office deems appropriate.

1159 (g) A person who commits an act of fraud as defined in  
 1160 this subsection is subject to the penalties provided in s.  
 1161 414.39(5) (a) and (b).

1162 Section 2. Paragraph (a) of subsection (8) of section  
 1163 216.136, Florida Statutes, is amended to read:

1164 216.136 Consensus estimating conferences; duties and  
 1165 principals.—

1166 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

1167 (a) The Early Learning Programs Estimating Conference  
 1168 shall develop estimates and forecasts of the unduplicated count  
 1169 of children eligible for school readiness programs in accordance  
 1170 with the standards of eligibility established in s. 411.01(7)  
 1171 ~~411.01(6)~~, and of children eligible for the Voluntary  
 1172 Prekindergarten Education Program in accordance with s.  
 1173 1002.53(2), as the conference determines are needed to support  
 1174 the state planning, budgeting, and appropriations processes.

1175 Section 3. Subsection (1) and paragraph (a) of subsection  
 1176 (3) of section 411.0101, Florida Statutes, are amended to read:  
 1177 411.0101 Child care and early childhood resource and  
 1178 referral.—

1179 (1) As a part of the school readiness programs, the Office  
 1180 of Early Learning shall establish a statewide child care  
 1181 resource and referral network that is unbiased and provides  
 1182 referrals to families for child care. Preference shall be given  
 1183 to using the already established early learning coalitions as  
 1184 the child care resource and referral agencies. If an early  
 1185 learning coalition cannot comply with the requirements to offer  
 1186 the resource information component or does not want to offer  
 1187 that service, the early learning coalition shall select the  
 1188 resource and referral agency for its county or multicounty  
 1189 region based upon a request for proposal pursuant to s.  
 1190 411.01(6)(e) ~~411.01(5)(e)1~~.

1191 (3) Child care resource and referral agencies shall  
 1192 provide the following services:

1193 (a) Identification of existing public and private child  
 1194 care and early childhood education services, including child  
 1195 care services by public and private employers, and the  
 1196 development of a resource file of those services through the  
 1197 single statewide information system developed by the Office of  
 1198 Early Learning under s. 411.01(6)(c)1.e. ~~411.01(5)(e)1.e.~~ These  
 1199 services may include family day care, public and private child  
 1200 care programs, the Voluntary Prekindergarten Education Program,  
 1201 Head Start, the school readiness program, special education  
 1202 programs for prekindergarten children with disabilities,

CS/HB 5103

2012

1203 services for children with developmental disabilities, full-time  
 1204 and part-time programs, before-school and after-school programs,  
 1205 vacation care programs, parent education, the Temporary Cash  
 1206 Assistance Program, and related family support services. The  
 1207 resource file shall include, but not be limited to:

- 1208 1. Type of program.
- 1209 2. Hours of service.
- 1210 3. Ages of children served.
- 1211 4. Number of children served.
- 1212 5. Significant program information.
- 1213 6. Fees and eligibility for services.
- 1214 7. Availability of transportation.

1215 Section 4. Section 411.01013, Florida Statutes, is amended  
 1216 to read:

1217 411.01013 Prevailing market rate schedule.-

1218 (1) As used in this section, the terms ~~term~~:

1219 ~~(a) "market rate" and means the price that a child care~~  
 1220 ~~provider charges for daily, weekly, or monthly child care~~  
 1221 ~~services.~~

1222 ~~(b) "prevailing market rate" have the same meanings as~~  
 1223 ~~provided in s. 411.01 means the annually determined 75th~~  
 1224 ~~percentile of a reasonable frequency distribution of the market~~  
 1225 ~~rate in a predetermined geographic market at which child care~~  
 1226 ~~providers charge a person for child care services.~~

1227 (2) The Office of Early Learning shall establish  
 1228 ~~procedures for the adoption of a~~ prevailing market rate  
 1229 schedule. The schedule must ~~include, at a minimum, county-by-~~  
 1230 ~~county rates.~~

1231 ~~(a) At the prevailing market rate, plus the maximum rate,~~  
 1232 ~~for child care providers that hold a Gold Seal Quality Care~~  
 1233 ~~designation under s. 402.281.~~

1234 ~~(b) At the prevailing market rate for child care providers~~  
 1235 ~~that do not hold a Gold Seal Quality Care designation.~~

1236 ~~(3) The prevailing market rate schedule, at a minimum,~~  
 1237 ~~must:~~

1238 (a) Differentiate rates by type, including, but not  
 1239 limited to, ~~a child care provider that holds a Gold Seal Quality~~  
 1240 ~~Care designation under s. 402.281,~~ a child care facility  
 1241 licensed under s. 402.305, a public or nonpublic school exempt  
 1242 from licensure under s. 402.3025, a faith-based child care  
 1243 facility exempt from licensure under s. 402.316 ~~that does not~~  
 1244 ~~hold a Gold Seal Quality Care designation,~~ a large family child  
 1245 care home licensed under s. 402.3131, or a family day care home  
 1246 licensed or registered under s. 402.313.

1247 (b) Differentiate rates by the type of child care services  
 1248 provided for ~~children with special needs or risk categories,~~  
 1249 infants, toddlers, preschool-age children, and school-age  
 1250 children.

1251 (c) Differentiate rates between full-time and part-time  
 1252 child care services.

1253 ~~(d) Consider discounted rates for child care services for~~  
 1254 ~~multiple children in a single family.~~

1255 (3)~~(4)~~ The prevailing market rate schedule must be based  
 1256 exclusively on the prices charged for child care services. If a  
 1257 conflict exists between this subsection and federal  
 1258 requirements, the federal requirements shall control.

1259            (4)~~(5)~~ Each child care and early childhood education  
 1260 provider that receives school readiness funds must submit its  
 1261 market rate by August 1 of each year to the Office of Early  
 1262 Learning for inclusion in the calculation of the prevailing  
 1263 market rate ~~shall be considered by an early learning coalition~~  
 1264 ~~in the adoption of a payment schedule in accordance with s.~~  
 1265 ~~411.01(5)(e)2.~~

1266            (5)~~(6)~~ The Office of Early Learning may contract with one  
 1267 or more qualified entities to administer this section and  
 1268 provide support and technical assistance for child care  
 1269 providers.

1270            (6)~~(7)~~ The Office of Early Learning may adopt rules  
 1271 pursuant to ss. 120.536(1) and 120.54 for establishing  
 1272 procedures for the collection of child care providers' market  
 1273 rate, the calculation of a reasonable frequency distribution of  
 1274 the market rate, and the publication of a prevailing market rate  
 1275 schedule.

1276            Section 5. Section 411.0106, Florida Statutes, is amended  
 1277 to read:

1278            411.0106 Infants and toddlers in state-funded education  
 1279 and care programs; brain development activities.—Each state-  
 1280 funded education and care program for children from birth to 5  
 1281 years of age must provide activities to foster brain development  
 1282 in infants and toddlers. A program must provide an environment  
 1283 that helps children attain the performance standards adopted by  
 1284 the Office of Early Learning under s. 411.01(5)(d)7.

1285 ~~411.01(4)(d)8.~~ and must be rich in language and music and filled  
 1286 with objects of various colors, shapes, textures, and sizes to

CS/HB 5103

2012

1287 stimulate visual, tactile, auditory, and linguistic senses in  
1288 the children and must include classical music and at least 30  
1289 minutes of reading to the children each day. A program may be  
1290 offered through an existing early childhood program such as  
1291 Healthy Start, the Title I program, the school readiness  
1292 program, the Head Start program, or a private child care  
1293 program. A program must provide training for the infants' and  
1294 toddlers' parents including direct dialogue and interaction  
1295 between teachers and parents demonstrating the urgency of brain  
1296 development in the first year of a child's life. Family day care  
1297 centers are encouraged, but not required, to comply with this  
1298 section.

1299 Section 6. Paragraph (c) of subsection (1) of section  
1300 445.023, Florida Statutes, is amended to read:

1301 445.023 Program for dependent care for families with  
1302 children with special needs.—

1303 (1) There is created the program for dependent care for  
1304 families with children with special needs. This program is  
1305 intended to provide assistance to families with children who  
1306 meet the following requirements:

1307 (c) The family meets the income guidelines established  
1308 under s. 411.01(7) ~~411.01(6)~~, notwithstanding any financial  
1309 eligibility criteria to the contrary in s. 414.075, s. 414.085,  
1310 or s. 414.095.

1311 Section 7. This act shall take effect July 1, 2012.