

HB 1571

2010

1 A bill to be entitled
2 An act relating to early learning; amending s. 120.80,
3 F.S.; exempting early learning coalitions from the
4 Administrative Procedure Act; amending s. 411.01, F.S.;
5 revising requirements for establishing the minimum number
6 of children to be served by an early learning coalition to
7 increase the maximum number of coalitions; deleting
8 obsolete provisions relating to procedures for merging
9 early learning coalitions; revising the review period for
10 school readiness plans; authorizing school readiness
11 payment rates that create certain standards or levels of
12 services; limiting a prohibition that restricts early
13 learning coalitions from implementing revisions to school
14 readiness plans without approval by the Agency for
15 Workforce Innovation; exempting early learning coalitions
16 from chapter 287, F.S., relating to the procurement of
17 personal property and services; requiring early learning
18 coalitions to comply with certain federal requirements for
19 the expenditure of, and the procurement of property and
20 services from, certain school readiness funds; deleting a
21 provision prohibiting the term of services contracts from
22 exceeding a specified period; requiring early learning
23 coalitions to comply with certain federal requirements for
24 funding quality activities; amending s. 411.0101, F.S.;
25 requiring early learning coalitions to comply with certain
26 federal requirements for the selection of child care
27 resource information agencies; amending s. 1002.71, F.S.;
28 exempting early learning coalitions from chapter 287,

HB 1571

2010

29 F.S.; requiring early learning coalitions to comply with
 30 certain federal requirements for the expenditure of, and
 31 the procurement of property and services from, certain
 32 funds provided for the Voluntary Prekindergarten Education
 33 Program; providing an effective date.

34

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

36

37 Section 1. Paragraph (d) is added to subsection (10) of
 38 section 120.80, Florida Statutes, to read:

39 120.80 Exceptions and special requirements; agencies.—

40 (10) AGENCY FOR WORKFORCE INNOVATION.—

41 (d) Notwithstanding s. 120.52(1), an early learning
 42 coalition created under s. 411.01 is not an agency or part of an
 43 agency for purposes of this chapter.

44 Section 2. Paragraphs (a), (d), and (e) of subsection (5)
 45 and paragraph (d) of subsection (9) of section 411.01, Florida
 46 Statutes, are amended to read:

47 411.01 School readiness programs; early learning
 48 coalitions.—

49 (5) CREATION OF EARLY LEARNING COALITIONS.—

50 (a) Early learning coalitions.—

51 1. The Agency for Workforce Innovation shall establish the
 52 minimum number of children to be served by each early learning
 53 coalition through the coalition's school readiness program. The
 54 Agency for Workforce Innovation may only approve school
 55 readiness plans in accordance with this minimum number. The

HB 1571

2010

56 minimum number must be uniform for every early learning
57 coalition and must:

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

63
64 ~~The Agency for Workforce Innovation shall adopt procedures for~~
65 ~~merging early learning coalitions, including procedures for the~~
66 ~~consolidation of merging coalitions, and for the early~~
67 ~~termination of the terms of coalition members which are~~
68 ~~necessary to accomplish the mergers. Each early learning~~
69 ~~coalition must comply with the merger procedures and shall be~~
70 ~~organized in accordance with this subparagraph by April 1, 2005.~~
71 ~~By June 30, 2005, each coalition must complete the transfer of~~
72 ~~powers, duties, functions, rules, records, personnel, property,~~
73 ~~and unexpended balances of appropriations, allocations, and~~
74 ~~other funds to the successor coalition, if applicable.~~

75 2. If an early learning coalition would serve fewer
76 children than the minimum number established under subparagraph
77 1., the coalition must merge with another county to form a
78 multicounty coalition. However, the Agency for Workforce
79 Innovation may authorize an early learning coalition to serve
80 fewer children than the minimum number established under
81 subparagraph 1., if:

- 82 a. The coalition demonstrates to the Agency for Workforce
83 Innovation that merging with another county or multicounty

HB 1571

2010

84 region contiguous to the coalition would cause an extreme
85 hardship on the coalition;

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

93 c. The coalition demonstrates to the Agency for Workforce
94 Innovation the coalition's ability to effectively and
95 efficiently implement the Voluntary Prekindergarten Education
96 Program.

97
98 If an early learning coalition fails or refuses to merge as
99 required by this subparagraph, the Agency for Workforce
100 Innovation may dissolve the coalition and temporarily contract
101 with a qualified entity to continue school readiness and
102 prekindergarten services in the coalition's county or
103 multicounty region until the coalition is reestablished through
104 resubmission of a school readiness plan and approval by the
105 agency.

106 3. Notwithstanding the provisions of subparagraphs 1. and
107 2., the early learning coalitions in Sarasota, Osceola, and
108 Santa Rosa Counties which were in operation on January 1, 2005,
109 are established and authorized to continue operation as
110 independent coalitions, and shall not be counted within the
111 limit of 31 ~~30~~ coalitions established in subparagraph 1.

HB 1571

2010

112 4. Each early learning coalition shall be composed of at
113 least 18 members but not more than 35 members. The Agency for
114 Workforce Innovation shall adopt standards establishing within
115 this range the minimum and maximum number of members that may be
116 appointed to an early learning coalition. These standards must
117 include variations for a coalition serving a multicounty region.
118 Each early learning coalition must comply with these standards.

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

123 6. Each early learning coalition must include the
124 following members:

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

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

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

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

135 e. A children's services council or juvenile welfare board
136 chair or executive director, if applicable, who shall be a
137 nonvoting member if the council or board is the fiscal agent of
138 the coalition or if the council or board contracts with and

139 receives funds from the coalition for any purpose other than
 140 rent.

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

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

145 h. One member appointed by a board of county
 146 commissioners.

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

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

150 k. A representative of private child care providers,
 151 including family day care homes, who shall be a nonvoting
 152 member.

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

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

158 7. Including the members appointed by the Governor under
 159 subparagraph 5., more than one-third of the members of each
 160 early learning coalition must be private sector business members
 161 who do not have, and none of whose relatives as defined in s.
 162 112.3143 has, a substantial financial interest in the design or
 163 delivery of the Voluntary Prekindergarten Education Program
 164 created under part V of chapter 1002 or the coalition's school
 165 readiness program. To meet this requirement an early learning
 166 coalition must appoint additional members from a list of

HB 1571

2010

167 | nominees submitted to the coalition by a chamber of commerce or
168 | economic development council within the geographic region served
169 | by the coalition. The Agency for Workforce Innovation shall
170 | establish criteria for appointing private sector business
171 | members. These criteria must include standards for determining
172 | whether a member or relative has a substantial financial
173 | interest in the design or delivery of the Voluntary
174 | Prekindergarten Education Program or the coalition's school
175 | readiness program.

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

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

194 10. Each member of an early learning coalition is subject
 195 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
 196 112.3143(3)(a), each voting member is a local public officer who
 197 must abstain from voting when a voting conflict exists.

198 11. For purposes of tort liability, each member or
 199 employee of an early learning coalition shall be governed by s.
 200 768.28.

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

203 13. Each early learning coalition shall establish terms
 204 for all appointed members of the coalition. The terms must be
 205 staggered and must be a uniform length that does not exceed 4
 206 years per term. Appointed members may serve a maximum of two
 207 consecutive terms. When a vacancy occurs in an appointed
 208 position, the coalition must advertise the vacancy.

209 (d) Implementation.—

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

214 2. Each early learning coalition shall develop a plan for
 215 implementing the school readiness program to meet the
 216 requirements of this section and the performance standards and
 217 outcome measures adopted by the Agency for Workforce Innovation.
 218 The plan must demonstrate how the program will ensure that each
 219 3-year-old and 4-year-old child in a publicly funded school
 220 readiness program receives scheduled activities and instruction
 221 designed to enhance the age-appropriate progress of the children

222 | in attaining the performance standards adopted by the Agency for
 223 | Workforce Innovation under subparagraph (4)(d)8. Before
 224 | implementing the school readiness program, the early learning
 225 | coalition must submit the plan to the Agency for Workforce
 226 | Innovation for approval. The Agency for Workforce Innovation may
 227 | approve the plan, reject the plan, or approve the plan with
 228 | conditions. The Agency for Workforce Innovation shall review
 229 | school readiness plans once every 2 years ~~at least annually~~.

230 | 3. If the Agency for Workforce Innovation determines
 231 | during the biennial ~~annual~~ review of school readiness plans, or
 232 | through monitoring and performance evaluations conducted under
 233 | paragraph (4)(1), that an early learning coalition has not
 234 | substantially implemented its plan, has not substantially met
 235 | the performance standards and outcome measures adopted by the
 236 | agency, or has not effectively administered the school readiness
 237 | program or Voluntary Prekindergarten Education Program, the
 238 | Agency for Workforce Innovation may dissolve the coalition and
 239 | temporarily contract with a qualified entity to continue school
 240 | readiness and prekindergarten services in the coalition's county
 241 | or multicounty region until the coalition is reestablished
 242 | through resubmission of a school readiness plan and approval by
 243 | the agency.

244 | 4. The Agency for Workforce Innovation shall adopt
 245 | criteria for the approval of school readiness plans. The
 246 | criteria must be consistent with the performance standards and
 247 | outcome measures adopted by the agency and must require each
 248 | approved plan to include the following minimum standards and
 249 | provisions:

HB 1571

2010

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

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

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

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

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

268 f. Payment rates adopted by the early learning coalition
269 and approved by the Agency for Workforce Innovation. Payment
270 rates may not have the effect of limiting parental choice or
271 creating standards or levels of services that have not been
272 authorized by the Legislature or recognized by the Federal
273 Government as an appropriate use of funding.

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

HB 1571

2010

277 h. Direct enhancement services to families and children.
278 System support and direct enhancement services shall be in
279 addition to payments for the placement of children in school
280 readiness programs.

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

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

292
293 As part of the school readiness plan, the early learning
294 coalition may request the Governor to apply for a waiver to
295 allow the coalition to administer the Head Start Program to
296 accomplish the purposes of the school readiness program. If a
297 school readiness plan demonstrates that specific statutory goals
298 can be achieved more effectively by using procedures that
299 require modification of existing rules, policies, or procedures,
300 a request for a waiver to the Agency for Workforce Innovation
301 may be submitted as part of the plan. Upon review, the Agency
302 for Workforce Innovation may grant the proposed modification.

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

306 6. An early learning coalition may not implement its
 307 school readiness plan until it submits the plan to and receives
 308 approval from the Agency for Workforce Innovation. Once the plan
 309 is approved, the plan and the services provided under the plan
 310 shall be controlled by the early learning coalition. An early
 311 learning coalition ~~The plan~~ shall review and revise its school
 312 readiness plan ~~be reviewed and revised~~ as necessary, but at
 313 least once every 2 years ~~biennially~~. Revision of any provision
 314 of the plan that implements the ~~an~~ early learning coalition's
 315 duties provided by law or contractual obligations to the Agency
 316 for Workforce Innovation ~~coalition~~ may not take effect ~~implement~~
 317 ~~the revisions~~ until the coalition submits the revised provision
 318 ~~plan~~ to and receives approval from the agency ~~for Workforce~~
 319 ~~Innovation~~. If the Agency for Workforce Innovation rejects a
 320 revised provision of a school readiness plan, the coalition must
 321 continue to operate under its prior approved plan.

322 7. Sections 125.901(2)(a)3., 411.221, and 411.232 do not
 323 apply to an early learning coalition with an approved school
 324 readiness plan. To facilitate innovative practices and to allow
 325 the regional establishment of school readiness programs, an
 326 early learning coalition may apply to the Governor and Cabinet
 327 for a waiver of, and the Governor and Cabinet may waive, any of
 328 the provisions of ss. 411.223, 411.232, and 1003.54, if the
 329 waiver is necessary for implementation of the coalition's school
 330 readiness plan.

331 8. Two or more counties may join for purposes of planning
 332 and implementing a school readiness program.

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

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

341 (e) School readiness funds; expenditure and procurement of
 342 property and services; Requests for proposals; payment
 343 schedule.—

344 1. Chapter 287 does not apply to an ~~Each~~ early learning
 345 coalition. However, an early learning coalition must comply with
 346 all federal regulations applicable to the expenditure of, and
 347 the procurement of property and services from, federal grant
 348 funds, which regulations may include, but are not limited to, 2
 349 C.F.R. part 215, 45 C.F.R. part 74, or 45 C.F.R. part 92. An
 350 early learning coalition must also apply such federal
 351 regulations to s. 287.057 for the expenditure of, and the
 352 procurement of property and commodities or contractual services
 353 from, all state and local the funds described as school
 354 readiness funds in subparagraph (9)(d)1. paragraph (9)(d). ~~The~~
 355 ~~period of a contract for purchase of these commodities or~~
 356 ~~contractual services, together with any renewal of the original~~
 357 ~~contract, may not exceed 3 years.~~

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

366 (9) FUNDING; SCHOOL READINESS PROGRAM.—

367 (d)1. All state, federal, and required local maintenance-
 368 of-effort or matching funds provided to an early learning
 369 coalition for purposes of this section shall be used by the
 370 coalition for implementation of its school readiness plan,
 371 including the hiring of staff to effectively operate the
 372 coalition's school readiness program.

373 2. As part of plan approval and periodic plan review, the
 374 Agency for Workforce Innovation shall require that
 375 administrative costs be kept to the minimum necessary for
 376 efficient and effective administration of the school readiness
 377 plan, but total administrative expenditures must not exceed 5
 378 percent unless specifically waived by the Agency for Workforce
 379 Innovation. The Agency for Workforce Innovation shall annually
 380 report to the Legislature any problems relating to
 381 administrative costs.

382 3. An early learning coalition must comply with the
 383 federal requirements for funding quality activities in 45 C.F.R.
 384 s. 98.51.

HB 1571

2010

385 Section 3. Section 411.0101, Florida Statutes, is amended
386 to read:

387 411.0101 Child care and early childhood resource and
388 referral.—The Agency for Workforce Innovation shall establish a
389 statewide child care resource and referral network. Preference
390 shall be given to using the already established early learning
391 coalitions as the child care resource and referral agency. If an
392 early learning coalition cannot comply with the requirements to
393 offer the resource information component or does not want to
394 offer that service, the early learning coalition shall select
395 the resource information agency in accordance with the
396 requirements for the procurement of property and services in
397 ~~based upon a request for proposal pursuant to s. 411.01(5)(e)1.~~

398 At least one child care resource and referral agency must be
399 established in each early learning coalition's county or
400 multicounty region. Child care resource and referral agencies
401 shall provide the following services:

402 (1) Identification of existing public and private child
403 care and early childhood education services, including child
404 care services by public and private employers, and the
405 development of a resource file of those services. These services
406 may include family day care, public and private child care
407 programs, head start, prekindergarten early intervention
408 programs, special education programs for prekindergarten
409 handicapped children, services for children with developmental
410 disabilities, full-time and part-time programs, before-school
411 and after-school programs, vacation care programs, parent
412 education, the WAGES Program, and related family support

413 services. The resource file shall include, but not be limited
 414 to:

- 415 (a) Type of program.
 - 416 (b) Hours of service.
 - 417 (c) Ages of children served.
 - 418 (d) Number of children served.
 - 419 (e) Significant program information.
 - 420 (f) Fees and eligibility for services.
 - 421 (g) Availability of transportation.
- 422 (2) The establishment of a referral process which responds
 423 to parental need for information and which is provided with full
 424 recognition of the confidentiality rights of parents. Resource
 425 and referral programs shall make referrals to licensed child
 426 care facilities. Referrals shall be made to an unlicensed child
 427 care facility or arrangement only if there is no requirement
 428 that the facility or arrangement be licensed.
- 429 (3) Maintenance of ongoing documentation of requests for
 430 service tabulated through the internal referral process. The
 431 following documentation of requests for service shall be
 432 maintained by all child care resource and referral agencies:
- 433 (a) Number of calls and contacts to the child care
 434 information and referral agency component by type of service
 435 requested.
 - 436 (b) Ages of children for whom service was requested.
 - 437 (c) Time category of child care requests for each child.
 - 438 (d) Special time category, such as nights, weekends, and
 439 swing shift.
 - 440 (e) Reason that the child care is needed.

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

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

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

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

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

458 (5) Assistance to families and employers in applying for
 459 various sources of subsidy including, but not limited to,
 460 subsidized child care, head start, prekindergarten early
 461 intervention programs, Project Independence, private
 462 scholarships, and the federal dependent care tax credit.

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

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

HB 1571

2010

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

470 (9) Assistance to families in identifying summer
 471 recreation camp and summer day camp programs and in evaluating
 472 the health and safety qualities of summer recreation camp and
 473 summer day camp programs and in evaluating the health and safety
 474 qualities of summer camp programs. Contingent upon specific
 475 appropriation, a checklist of important health and safety
 476 qualities that parents can use to choose their summer camp
 477 programs shall be developed and distributed in a manner that
 478 will reach parents interested in such programs for their
 479 children.

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

- 484 (a) Type of program.
- 485 (b) Hours of service.
- 486 (c) Ages of children served.
- 487 (d) Fees and eligibility for services.

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

491 Section 4. Subsection (10) is added to section 1002.71,
 492 Florida Statutes, to read:

493 1002.71 Funding; financial and attendance reporting.—

HB 1571

2010

494 (10) Chapter 287 does not apply to an early learning
495 coalition. However, an early learning coalition must apply all
496 federal regulations applicable to the expenditure of, and the
497 procurement of property and services from, federal grant funds
498 as specified in s. 411.01(5)(e)1. to the expenditure of, and the
499 procurement of property and services from, all state funds
500 provided for the Voluntary Prekindergarten Education Program
501 under this part.

502 Section 5. This act shall take effect July 1, 2010.