

By Senator Bennett

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

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30 1002.71, F.S.; exempting early learning coalitions
31 from chapter 287, F.S.; requiring early learning
32 coalitions to comply with certain federal requirements
33 for the expenditure of, and the procurement of
34 property and services from, certain funds provided for
35 the Voluntary Prekindergarten Education Program;
36 providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Paragraph (d) is added to subsection (10) of
41 section 120.80, Florida Statutes, to read:

42 120.80 Exceptions and special requirements; agencies.—

43 (10) AGENCY FOR WORKFORCE INNOVATION.—

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

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

50 411.01 School readiness programs; early learning
51 coalitions.—

52 (5) CREATION OF EARLY LEARNING COALITIONS.—

53 (a) *Early learning coalitions.*—

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

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59 minimum number must be uniform for every early learning
60 coalition and must:

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

66

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

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

- 85 a. The coalition demonstrates to the Agency for Workforce
86 Innovation that merging with another county or multicounty
87 region contiguous to the coalition would cause an extreme

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88 hardship on the coalition;

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

96 c. The coalition demonstrates to the Agency for Workforce
97 Innovation the coalition's ability to effectively and
98 efficiently implement the Voluntary Prekindergarten Education
99 Program.

100

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

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

115 4. Each early learning coalition shall be composed of at
116 least 18 members but not more than 35 members. The Agency for

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117 Workforce Innovation shall adopt standards establishing within
118 this range the minimum and maximum number of members that may be
119 appointed to an early learning coalition. These standards must
120 include variations for a coalition serving a multicounty region.
121 Each early learning coalition must comply with these standards.

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

126 6. Each early learning coalition must include the following
127 members:

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

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

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

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

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

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

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- 146 g. A president of a community college or his or her
147 designee.
- 148 h. One member appointed by a board of county commissioners.
- 149 i. A central agency administrator, where applicable, who
150 shall be a nonvoting member.
- 151 j. A Head Start director, who shall be a nonvoting member.
- 152 k. A representative of private child care providers,
153 including family day care homes, who shall be a nonvoting
154 member.
- 155 l. A representative of faith-based child care providers,
156 who shall be a nonvoting member.
- 157 m. A representative of programs for children with
158 disabilities under the federal Individuals with Disabilities
159 Education Act, who shall be a nonvoting member.
- 160 7. Including the members appointed by the Governor under
161 subparagraph 5., more than one-third of the members of each
162 early learning coalition must be private sector business members
163 who do not have, and none of whose relatives as defined in s.
164 112.3143 has, a substantial financial interest in the design or
165 delivery of the Voluntary Prekindergarten Education Program
166 created under part V of chapter 1002 or the coalition's school
167 readiness program. To meet this requirement an early learning
168 coalition must appoint additional members from a list of
169 nominees submitted to the coalition by a chamber of commerce or
170 economic development council within the geographic region served
171 by the coalition. The Agency for Workforce Innovation shall
172 establish criteria for appointing private sector business
173 members. These criteria must include standards for determining
174 whether a member or relative has a substantial financial

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175 interest in the design or delivery of the Voluntary
176 Prekindergarten Education Program or the coalition's school
177 readiness program.

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

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

196 10. Each member of an early learning coalition is subject
197 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
198 112.3143(3)(a), each voting member is a local public officer who
199 must abstain from voting when a voting conflict exists.

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

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

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

210 (d) *Implementation.*—

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

215 2. Each early learning coalition shall develop a plan for
216 implementing the school readiness program to meet the
217 requirements of this section and the performance standards and
218 outcome measures adopted by the Agency for Workforce Innovation.
219 The plan must demonstrate how the program will ensure that each
220 3-year-old and 4-year-old child in a publicly funded school
221 readiness program receives scheduled activities and instruction
222 designed to enhance the age-appropriate progress of the children
223 in attaining the performance standards adopted by the Agency for
224 Workforce Innovation under subparagraph (4)(d)8. Before
225 implementing the school readiness program, the early learning
226 coalition must submit the plan to the Agency for Workforce
227 Innovation for approval. The Agency for Workforce Innovation may
228 approve the plan, reject the plan, or approve the plan with
229 conditions. The Agency for Workforce Innovation shall review
230 school readiness plans once every 2 years ~~at least annually~~.

231 3. If the Agency for Workforce Innovation determines during
232 the biennial ~~annual~~ review of school readiness plans, or through

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

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

250 a. A sliding fee scale establishing a copayment for parents
251 based upon their ability to pay, which is the same for all
252 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

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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.

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, such

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291 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 may
304 provide support and supervision to other staff in the school
305 readiness program.

306 6. An early learning coalition may not implement its school
307 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

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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

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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

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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 federal
383 requirements for funding quality activities in 45 C.F.R. s.
384 98.51.

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

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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.

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- 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 business.
- 442 (4) Provision of technical assistance to existing and
443 potential providers of child care services. This assistance may
444 include:
- 445 (a) Information on initiating new child care services,
446 zoning, and program and budget development and assistance in
447 finding such information from other sources.
- 448 (b) Information and resources which help existing child
449 care services providers to maximize their ability to serve
450 children and parents in their community.
- 451 (c) Information and incentives which could help existing or
452 planned child care services offered by public or private
453 employers seeking to maximize their ability to serve the
454 children of their working parent employees in their community,
455 through contractual or other funding arrangements with
456 businesses.
- 457 (5) Assistance to families and employers in applying for
458 various sources of subsidy including, but not limited to,
459 subsidized child care, head start, prekindergarten early
460 intervention programs, Project Independence, private
461 scholarships, and the federal dependent care tax credit.
- 462 (6) Assistance to state agencies in determining the market
463 rate for child care.
- 464 (7) Assistance in negotiating discounts or other special

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465 arrangements with child care providers.

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

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

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

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

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

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

491 1002.71 Funding; financial and attendance reporting.-

492 (10) Chapter 287 does not apply to an early learning
493 coalition. However, an early learning coalition must apply all

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494 federal regulations applicable to the expenditure of, and the
495 procurement of property and services from, federal grant funds
496 as specified in s. 411.01(5)(e)1. to the expenditure of, and the
497 procurement of property and services from, all state funds
498 provided for the Voluntary Prekindergarten Education Program
499 under this part.

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