

1                   A bill to be entitled  
2           An act relating to early learning; creating s. 14.204,  
3           F.S.; creating a Chancellor of Early Learning within the  
4           Executive Office of the Governor; providing for the  
5           appointment and duties of the chancellor; amending ss.  
6           402.302, 402.3025, 402.305, 402.3054, 402.3057, 402.308,  
7           402.309, 402.313, 402.3131, and 402.316, F.S.; revising  
8           requirements for screening and rescreening of child care  
9           personnel and prekindergarten instructors; requiring  
10          denial of employment or termination of personnel and  
11          instructors disqualified by screening; providing  
12          exemptions from screening and disqualification;  
13          authorizing the Department of Children and Family Services  
14          to exempt operators of family day care homes and large  
15          family child care homes from certain training  
16          requirements; amending s. 1002.53, F.S.; revising  
17          requirements for the Voluntary Prekindergarten Education  
18          Program; revising requirements for application forms,  
19          enrollment of children, and advertising the program;  
20          amending s. 1002.55, F.S.; revising requirements for  
21          screening of prekindergarten instructors; amending s.  
22          1002.57, F.S.; permitting the Department of Education to  
23          authorize the Department of Children and Family Services  
24          to issue certain credentials; amending ss. 1002.61 and  
25          1002.63, F.S.; revising requirements for screening of  
26          prekindergarten instructors; amending s. 1002.67, F.S.;  
27          encouraging instruction of prekindergarten programs in  
28          English and other languages; amending s. 1002.71, F.S.;  
29          deleting requirements for monthly attendance verification  
30          by parents; limiting a provider's or school's enrollment

31 or removal of children from prekindergarten programs;  
32 encouraging the establishment of transportation systems in  
33 specified communities; amending s. 1002.77, F.S.; revising  
34 the purpose of the Florida Early Learning Advisory  
35 Council; requiring the Agency for Workforce Innovation to  
36 establish the Early Learning Information System and  
37 replace the current information system; providing minimum  
38 requirements for the information system; requiring the  
39 Agency for Workforce Innovation to submit reports;  
40 requiring the Office of Program Policy Analysis and  
41 Government Accountability to submit a report relating to  
42 administrative expenditures of the Voluntary  
43 Prekindergarten Education Program; providing a definition;  
44 providing an appropriation and authorizing positions;  
45 providing an effective date.

46  
47 Be It Enacted by the Legislature of the State of Florida:

48  
49 Section 1. Section 14.204, Florida Statutes, is created to  
50 read:

51 14.204 Chancellor of Early Learning.--

52 (1) There is created within the Executive Office of the  
53 Governor a Chancellor of Early Learning who is appointed by the  
54 Governor, subject to confirmation by the Senate, and who serves  
55 at the pleasure of the Governor. The Governor shall make the  
56 initial appointment by October 1, 2007. The Chancellor of Early  
57 Learning shall serve as the state's principal coordinator and  
58 advocate for early learning programs and child care regulation.

59 (2) The Chancellor of Early Learning shall:

60        (a) Advise the Governor and the Legislature on the early  
61 learning and child care policies of the state, including policies  
62 relating to administration of the Voluntary Prekindergarten  
63 Education Program under part V of chapter 1002, school readiness  
64 programs under s. 411.01, child care regulation under ss.  
65 402.301-402.319, and child care resource and referral under s.  
66 402.27;

67        (b) Establish a 5-year strategic plan for early learning  
68 programs and child care regulation by October 1, 2008; revise the  
69 plan at least once every 5 years; and submit the initial and  
70 revised plans to the Governor, the President of the Senate, and  
71 the Speaker of the House of Representatives; and

72        (c) Facilitate interagency coordination among the  
73 Department of Education, the Office of Early Learning of the  
74 Agency for Workforce Innovation, and the Child Care Services  
75 Program Office of the Department of Children and Family Services.

76        (3) The Department of Education, the Agency for Workforce  
77 Innovation, and the Department of Children and Family Services  
78 shall cooperate with, and provide administrative support to, the  
79 Chancellor of Early Learning for the chancellor's activities and  
80 duties under this section.

81        (4) This section does not authorize the Chancellor of Early  
82 Learning to govern the powers, duties, functions, records,  
83 personnel, or property; expenditure of appropriations,  
84 allocations, or other funds; rulemaking authority; or contractual  
85 authority of the Department of Education, the Agency for  
86 Workforce Innovation, or the Department of Children and Family  
87 Services.

88 Section 2. Paragraph (e) of subsection (2), subsection (3),  
89 and subsection (13) of section 402.302, Florida Statutes, are  
90 amended to read:

91 402.302 Definitions.--

92 (2) "Child care facility" includes any child care center or  
93 child care arrangement which provides child care for more than  
94 five children unrelated to the operator and which receives a  
95 payment, fee, or grant for any of the children receiving care,  
96 wherever operated, and whether or not operated for profit. The  
97 following are not included:

98 (e) Operator ~~Operators~~ of a transient establishment  
99 ~~establishments~~, as defined in s. 509.013 ~~chapter 509~~, which  
100 provides ~~provide~~ child care services exclusively ~~solely~~ for the  
101 guests of the ~~their~~ establishment ~~or resort~~, if ~~provided that~~ all  
102 child care personnel of the establishment are screened under s.  
103 402.3057 ~~according to the level 2 screening requirements of~~  
104 ~~chapter 435~~.

105 (3) "Child care personnel" means all owners, operators,  
106 employees, and volunteers working in a child care facility. The  
107 term does not include persons who work in a child care facility  
108 after hours when children are not present or parents of children  
109 in Head Start. For purposes of screening, the term includes any  
110 member, over the age of 12 years, of a child care facility  
111 operator's family, or person, over the age of 12 years, residing  
112 with a child care facility operator if the child care facility is  
113 located in or adjacent to the home of the operator or if the  
114 family member of, or person residing with, the child care  
115 facility operator has any direct contact with ~~the~~ children in the  
116 facility during its hours of operation. Members of the operator's  
117 family or persons residing with the operator who are between the

118 | ages of 12 years and 18 years are ~~shall~~ not be required to be  
119 | fingerprinted or screened under s. 402.3057, but shall be  
120 | screened through statewide juvenile records checks by the  
121 | Department of Law Enforcement ~~for delinquency records~~. For  
122 | purposes of screening, the term ~~shall~~ also includes ~~include~~  
123 | persons who work in child care programs which provide care for  
124 | children 15 hours or more each week in public or nonpublic  
125 | schools, summer day camps, family day care homes, or those  
126 | programs otherwise exempted under s. 402.316. The term does not  
127 | include public or nonpublic school personnel who are providing  
128 | care during regular school hours, or after hours for activities  
129 | related to a school's program for grades kindergarten through 12.  
130 | A volunteer who assists on an intermittent basis for less than 40  
131 | hours per month is not included in the term "personnel" for the  
132 | purposes of screening and training if, ~~provided that~~ the  
133 | volunteer is under direct and constant supervision by persons who  
134 | are screened under s. 402.3057 ~~meet the personnel requirements of~~  
135 | ~~s. 402.305(2)~~. Students who observe and participate in a child  
136 | care facility as a part of their required coursework are ~~shall~~  
137 | not be considered child care personnel if the, ~~provided such~~  
138 | observation and participation are on an intermittent basis and  
139 | the students are under direct and constant supervision of child  
140 | care personnel.

141 | (13) "Screening" includes, but is not limited to, ~~means the~~  
142 | ~~act of~~ assessing the background of child care personnel and  
143 | volunteers under s. 402.3057 and checks of the central abuse  
144 | hotline or the department's automated abuse information system  
145 | under s. 39.201(6) ~~includes, but is not limited to,~~ employment  
146 | ~~history checks, local criminal records checks through local law~~  
147 | ~~enforcement agencies, fingerprinting for all purposes and checks~~

PCB SLC 07-09

ORIGINAL

2007

148 ~~in this subsection, statewide criminal records checks through the~~  
149 ~~Department of Law Enforcement, and federal criminal records~~  
150 ~~checks through the Federal Bureau of Investigation.~~

151 Section 3. Paragraph (c) of subsection (2) of section  
152 402.3025, Florida Statutes, is amended to read:

153 402.3025 Public and nonpublic schools.--For the purposes of  
154 ss. 402.301-402.319, the following shall apply:

155 (2) NONPUBLIC SCHOOLS.--

156 (c) Programs for children who are at least 3 years of age,  
157 but under 5 years of age, are ~~shall not be~~ deemed to be child  
158 care and are ~~shall not be~~ subject to the ~~provisions of~~ ss.  
159 402.301-402.319 relating to child care facilities if, provided  
160 the programs in the schools are operated and staffed directly by  
161 the schools, ~~provided~~ a majority of the children enrolled in the  
162 schools are 5 years of age or older, and the programs comply  
163 ~~provided there is compliance~~ with the screening requirements for  
164 personnel in pursuant to s. 402.305 or s. 402.3057. A nonpublic  
165 school may designate certain programs as child care, in which  
166 case these programs are ~~shall be~~ subject to the ~~provisions of~~ ss.  
167 402.301-402.319.

168 Section 4. Paragraph (a) of subsection (2) of section  
169 402.305, Florida Statutes, is amended to read:

170 402.305 Licensing standards; child care facilities.--

171 (2) PERSONNEL.--Minimum standards for child care personnel  
172 shall include minimum requirements as to:

173 (a) ~~Good moral character based upon~~ Screening under s.  
174 402.3057. ~~This screening shall be conducted as provided in~~  
175 ~~chapter 435, using the level 2 standards for screening set forth~~  
176 ~~in that chapter.~~

177 Section 5. Subsection (3) of section 402.3054, Florida  
 178 Statutes, is amended to read:

179 402.3054 Child enrichment service providers.--

180 (3) A child enrichment service provider shall be screened  
 181 under s. 402.3057, except that ~~of good moral character based upon~~  
 182 screening clearances must be received by a child care facility  
 183 before the. ~~This screening shall be conducted as provided in~~  
 184 chapter 435, using the level 2 standards for screening set forth  
 185 in that chapter. A child enrichment service provider ~~may provide~~  
 186 must meet the screening requirements prior to providing services  
 187 to a child in ~~the~~ a child care facility. A child enrichment  
 188 service provider ~~whose who has met the~~ screening clearances are  
 189 received by the child care facility is ~~standards shall not be~~  
 190 required to be under the direct and constant supervision of child  
 191 care personnel.

192 Section 6. Section 402.3057, Florida Statutes, is amended  
 193 to read:

194 402.3057 Background screening and rescreening;  
 195 disqualification from employment; exemptions ~~Persons not required~~  
 196 ~~to be refingerprinted or rescreened.--~~

197 (1) INITIAL SCREENING.--Upon employment in a position  
 198 requiring screening under this section, or upon reemployment in a  
 199 position requiring screening under this section after a break in  
 200 employment that exceeds 90 days, a person must:

201 (a) Attest under penalty of perjury on forms prescribed by  
 202 the department that the person is of good moral character;

203 (b) Be screened by the employer through employment history  
 204 checks of the person's former employers from the previous 2  
 205 years; and

206 (c) Be fingerprinted and screened:

207 1. According to the level 2 standards in s. 435.04 through  
 208 local criminal records checks by local law enforcement agencies,  
 209 statewide criminal and juvenile records checks by the Department  
 210 of Law Enforcement, and federal criminal records checks by the  
 211 Federal Bureau of Investigation; or

212 2. By a school district according to the standards in s.  
 213 1012.32.

214 (2) EXEMPTIONS.--Upon employment in a position requiring  
 215 screening under this section, a person screened within the  
 216 previous 5 years for a position requiring screening under chapter  
 217 ~~Any provision of law to the contrary notwithstanding, human~~  
 218 ~~resource personnel who have been fingerprinted or screened~~  
 219 ~~pursuant to chapters 393, chapter 394, chapter 397, chapter 402,~~  
 220 chapter and 409, part V of chapter 1002, or and teachers and  
 221 ~~noninstructional personnel who have been fingerprinted pursuant~~  
 222 ~~to chapter 1012~~ is not required to repeat the screening under  
 223 this section, if:

224 (a) The person attests, who have not been unemployed for  
 225 ~~more than 90 days thereafter, and who under the penalty of~~  
 226 perjury on forms prescribed by the department that the person is  
 227 of attest to the completion of such fingerprinting or screening  
 228 ~~and to compliance with the provisions of this section and the~~  
 229 ~~standards for good moral character;~~

230 (b) The employer is provided documentation of the person's  
 231 screening clearances which show that the person was screened  
 232 within the previous 5 years according to the level 2 standards in  
 233 s. 435.04 or the standards in s. 1012.32; and

234 (c) The person did not terminate employment from the  
 235 position for which the person was screened more than 90 days



236 before employment in the position requiring screening under this  
 237 section.

238 (3) RESCREENING.--A person required to be screened under  
 239 this section must be rescreened at least once every 5 years. A  
 240 rescreening requires the person to:

241 (a) Attest under penalty of perjury on forms prescribed by  
 242 the department that the person is of good moral character; and

243 (b) Be rescreened according to the standards in s. 435.04  
 244 through local criminal records checks by local law enforcement  
 245 agencies and statewide criminal and juvenile records checks by  
 246 the Department of Law Enforcement. A rescreening does not require  
 247 refingerprinting or federal criminal records checks by the  
 248 Federal Bureau of Investigation.

249  
 250 However, a person fingerprinted and screened by a school district  
 251 within the previous 5 years under s. 1012.32, or rescreened  
 252 within the previous 5 years under s. 1012.465(2) or s.  
 253 1012.56(9)(b), is not required to be refingerprinted or  
 254 rescreened under this section if the person's fingerprints are  
 255 retained in the statewide automated fingerprint identification  
 256 system and subject to search against arrest fingerprint cards as  
 257 required in s. 1012.32(3).

258 (4) DISQUALIFICATION FROM EMPLOYMENT.--A person  
 259 disqualified from employment under s. 435.06, unless granted an  
 260 exemption from disqualification under s. 435.07, must be denied  
 261 employment or terminated from the position requiring screening  
 262 under this section as contained in such provisions as ss.  
 263 110.1127(3), 393.0655(1), 394.457(6), 397.451, 402.305(2), and  
 264 409.175(6), shall not be required to be refingerprinted or

265 ~~rescreened in order to comply with any caretaker screening or~~  
266 ~~fingerprinting requirements.~~

267 Section 7. Paragraph (d) of subsection (3) and paragraph  
268 (d) of subsection (4) of section 402.308, Florida Statutes, are  
269 amended to read:

270 402.308 Issuance of license.--

271 (3) STATE ADMINISTRATION OF LICENSING.--In any county in  
272 which the department has the authority to issue licenses, the  
273 following procedures shall be applied:

274 (d) The department shall issue or renew a license upon  
275 receipt of the license fee and upon being satisfied that all  
276 standards required by ss. 402.301-402.319 are ~~have been~~ met. A  
277 license may be issued if all ~~the~~ screening materials are ~~have~~  
278 ~~been~~ timely submitted under s. 402.3057; however, a license may  
279 not be issued or renewed if any of the child care personnel at  
280 the applicant facility are disqualified from employment under s.  
281 435.06 unless granted an exemption from disqualification under s.  
282 435.07 ~~have failed the screening required by ss. 402.305(2) and~~  
283 ~~402.3055.~~

284 (4) LOCAL ADMINISTRATION OF LICENSING.--In any county in  
285 which there is a local licensing agency approved by the  
286 department, the following procedures shall apply:

287 (d) The local licensing agency shall issue a license or  
288 renew a license upon being satisfied that all standards required  
289 by ss. 402.301-402.319 are ~~have been~~ met. A license may be issued  
290 or renewed if all ~~the~~ screening materials are ~~have been~~ timely  
291 submitted under s. 402.3057; however, the local licensing agency  
292 may shall not issue or renew a license if any of the child care  
293 personnel at the applicant facility are disqualified from  
294 employment under s. 435.06 unless granted an exemption from

295 disqualification under s. 435.07 ~~have failed the screening~~  
 296 ~~required by ss. 402.305(2) and 402.3055.~~

297 Section 8. Subsection (2) of section 402.309, Florida  
 298 Statutes, is amended to read:

299 402.309 Provisional license or registration.--

300 (2) A provisional license or registration may not be issued  
 301 unless the operator or owner makes adequate provisions for the  
 302 health and safety of the child. A provisional license may be  
 303 issued for a child care facility if all ~~of the~~ screening  
 304 materials are ~~have been~~ timely submitted under s. 402.3057. A  
 305 provisional license or registration may not be issued unless the  
 306 child care facility, family day care home, or large family child  
 307 care home complies ~~is in compliance~~ with the requirements for  
 308 screening of child care personnel in s. 402.3057 ~~ss. 402.305,~~  
 309 ~~402.3055, 402.313, and 402.3131, respectively.~~

310 Section 9. Paragraph (a) of subsection (1) and subsections  
 311 (3) and (4) of section 402.313, Florida Statutes, are amended to  
 312 read:

313 402.313 Family day care homes.--

314 (1) Family day care homes shall be licensed under this act  
 315 if they are presently being licensed under an existing county  
 316 licensing ordinance, if they are participating in the subsidized  
 317 child care program, or if the board of county commissioners  
 318 passes a resolution that family day care homes be licensed. If no  
 319 county authority exists for the licensing of a family day care  
 320 home, the department shall have the authority to license family  
 321 day care homes under contract for the purchase-of-service system  
 322 in the subsidized child care program.

323 (a) If not subject to license, a family day care home ~~homes~~  
324 shall register annually with the department, providing the  
325 following information:

326 1. The name and address of the home.

327 2. The name of the operator.

328 3. The number of children served.

329 4. Proof of a written plan to provide at least one other  
330 competent adult to be available to substitute for the operator in  
331 an emergency. This plan shall include the name, address, and  
332 telephone number of the designated substitute.

333 5. Proof of screening under s. 402.3057 ~~and background~~  
334 ~~checks~~.

335 6. Proof of successful completion of the 30-hour training  
336 course, as evidenced by passage of a competency examination,  
337 which shall include:

338 a. State and local rules and regulations that govern child  
339 care.

340 b. Health, safety, and nutrition.

341 c. Identifying and reporting child abuse and neglect.

342 d. Child development, including typical and atypical  
343 language development; and cognitive, motor, social, and self-help  
344 skills development.

345 e. Observation of developmental behaviors, including using  
346 a checklist or other similar observation tools and techniques to  
347 determine a child's developmental level.

348 f. Specialized areas, including early literacy and language  
349 development of children from birth to 5 years of age, as  
350 determined by the department, for owner-operators of family day  
351 care homes.

352 7. Proof that immunization records are kept current.

353 8. Proof of completion of the required continuing education  
354 units or clock hours.

355 (3) Child care personnel in a family day care home must  
356 ~~homes shall be screened under s. 402.3057 subject to the~~  
357 ~~applicable screening provisions contained in ss. 402.305(2) and~~  
358 ~~402.3055. For purposes of screening in family day care homes, the~~  
359 ~~term includes~~ Any member over the age of 12 years of a family day  
360 care home operator's family, or persons over the age of 12 years  
361 residing with the operator in the family day care home, must also  
362 be screened under s. 402.3057. Members of the operator's family,  
363 or persons residing with the operator, who are between the ages  
364 of 12 years and 18 years are ~~shall not be~~ required to be  
365 fingerprinted or screened under s. 402.3057, but shall be  
366 screened through statewide juvenile records checks by the  
367 Department of Law Enforcement ~~for delinquency records~~.

368 (4) Operators of family day care homes must successfully  
369 complete an approved 30-clock-hour introductory course in child  
370 care, as evidenced by passage of a competency examination, before  
371 caring for children. The department may grant the operator of a  
372 family day care home an exemption from all or part of the  
373 training required under this subsection in the same manner that  
374 child care personnel are granted an exemption from required  
375 training under the s. 402.305(2)(d)1.

376 Section 10. Subsections (2) and (3) of section 402.3131,  
377 Florida Statutes, are amended to read:

378 402.3131 Large family child care homes.--

379 (2) Child care personnel in a large family child care home  
380 must ~~homes shall be screened under s. 402.3057 subject to the~~  
381 ~~applicable screening provisions contained in ss. 402.305(2) and~~  
382 ~~402.3055. For purposes of screening child care personnel in large~~

PCB SLC 07-09

ORIGINAL

2007

383 ~~family child care homes, the term "child care personnel" includes~~  
384 Any member of a large family child care home operator's family 12  
385 years of age or older, or any person 12 years of age or older  
386 residing with the operator in the large family child care home,  
387 must also be screened under s. 402.3057. Members of the  
388 operator's family, or persons residing with the operator, who are  
389 between the ages of 12 years and 18 years, inclusive, are shall  
390 not be required to be fingerprinted or screened under s.  
391 402.3057, but shall be screened through statewide juvenile  
392 records checks by the Department of Law Enforcement for  
393 delinquency records.

394 (3) Operators of large family child care homes must  
395 successfully complete an approved 40-clock-hour introductory  
396 course in group child care, as evidenced by passage of a  
397 competency examination. Successful completion of the 40-clock-  
398 hour introductory course shall articulate into community college  
399 credit in early childhood education, under pursuant to ss.  
400 1007.24 and 1007.25. The department may grant the operator of a  
401 large family child care home an exemption from all or part of the  
402 training required under this subsection in the same manner that  
403 child care personnel are granted an exemption from required  
404 training under s. 402.305(2)(d)1.

405 Section 11. Subsection (1) of section 402.316, Florida  
406 Statutes, is amended to read:

407 402.316 Exemptions.--

408 (1) Sections ~~The provisions of ss.~~ 402.301-402.319, except  
409 for the requirements regarding screening of child care personnel,  
410 do shall not apply to a child care facility that ~~which~~ is an  
411 integral part of a church or parochial school ~~schools~~ conducting  
412 regularly scheduled classes, courses of study, or educational

413 | programs accredited by, or by a member of, an organization that  
 414 | ~~which~~ publishes and requires compliance with its standards for  
 415 | health, safety, and sanitation. However, such facilities shall  
 416 | meet minimum requirements of the applicable local governing body  
 417 | as to health, sanitation, and safety and shall meet the screening  
 418 | requirements of s. 402.3057 ~~pursuant to ss. 402.305 and 402.3055.~~  
 419 | Failure by a facility to comply with the ~~such~~ screening  
 420 | requirements shall result in the loss of the facility's exemption  
 421 | from licensure.

422 | Section 12. Subsections (1) and (4) of section 1002.53,  
 423 | Florida Statutes, are amended, and subsection (7) is added to  
 424 | that section, to read:

425 | 1002.53 Voluntary Prekindergarten Education Program;  
 426 | eligibility and enrollment.--

427 | (1) There is created the Voluntary Prekindergarten  
 428 | Education Program. The program shall ~~take effect in each county~~  
 429 | ~~at the beginning of the 2005-2006 school year and shall be~~  
 430 | organized, designed, and delivered in accordance with s. 1(b) and  
 431 | (c), Art. IX of the State Constitution.

432 | (4) (a) A ~~Each~~ parent enrolling a child in the Voluntary  
 433 | Prekindergarten Education Program must complete and submit an  
 434 | application to the early learning coalition through the single  
 435 | point of entry established under s. 411.01.

436 | (b) The application must be submitted on forms prescribed  
 437 | by the Agency for Workforce Innovation and must be accompanied by  
 438 | a certified copy of the child's birth certificate. ~~The forms must~~  
 439 | ~~include a certification, in substantially the form provided in s.~~  
 440 | ~~1002.71(6)(b)2., that the parent chooses the private~~  
 441 | ~~prekindergarten provider or public school in accordance with this~~  
 442 | ~~section and directs that payments for the program be made to the~~

443 ~~provider or school.~~ The Agency for Workforce Innovation may  
444 authorize alternative methods for submitting proof of the child's  
445 age in lieu of a certified copy of the child's birth certificate.

446 (c) The Agency for Workforce Innovation and early learning  
447 coalitions shall adopt and administer procedures for enrolling  
448 children in prekindergarten programs that maximize convenience  
449 for parents and administrative efficiency for private  
450 prekindergarten providers and public schools, while minimizing  
451 the potential for fraud.

452 (d) ~~(e)~~ An Each early learning coalition shall coordinate  
453 with each of the school districts within the coalition's county  
454 or multicounty region in the development of procedures for  
455 enrolling children in prekindergarten programs delivered by  
456 public schools.

457 (7) The Agency for Workforce Innovation and early learning  
458 coalitions, when advertising the Voluntary Prekindergarten  
459 Education Program or providing outreach materials and activities  
460 for parents, shall concentrate a proportional share of their  
461 advertising and outreach on:

462 (a) Families who predominately speak a language other than  
463 English; and

464 (b) Families residing in communities where additional  
465 advertising and outreach is needed, as determined by the State  
466 Board of Education, based on results of the statewide  
467 kindergarten screening administered under s. 1002.69.

468  
469 Advertising and outreach materials and activities for these  
470 families and communities should be provided in the language  
471 predominately spoken, and the media most frequently accessed, by  
472 the families.



473 Section 13. Paragraph (d) of subsection (3) of section  
474 1002.55, Florida Statutes, is amended to read:

475 1002.55 School-year prekindergarten program delivered by  
476 private prekindergarten providers.--

477 (3) To be eligible to deliver the prekindergarten program,  
478 a private prekindergarten provider must meet each of the  
479 following requirements:

480 (d) Each prekindergarten instructor employed by the private  
481 prekindergarten provider must be of good moral character, ~~must be~~  
482 ~~screened, using the level 2 screening standards in s. 435.04~~  
483 ~~before employment and rescreened at least once every 5 years, and~~  
484 ~~must be denied employment or terminated as if required in s.~~  
485 ~~402.3057. The prekindergarten instructor under s. 435.06, and~~  
486 must also not be ineligible to teach in a public school because  
487 his or her educator certificate is suspended or revoked.

488 Section 14. Subsection (5) is added to section 1002.57,  
489 Florida Statutes, to read:

490 1002.57 Prekindergarten director credential.--

491 (5) The department may authorize the Department of Children  
492 and Family Services to issue a prekindergarten director  
493 credential under this section.

494 Section 15. Subsection (5) of section 1002.61, Florida  
495 Statutes, is amended to read:

496 1002.61 Summer prekindergarten program delivered by public  
497 schools and private prekindergarten providers.--

498 (5) Each prekindergarten instructor employed by a public  
499 school or private prekindergarten provider delivering the summer  
500 prekindergarten program must be of good moral character, ~~must be~~  
501 ~~screened, using the level 2 screening standards in s. 435.04~~  
502 ~~before employment and rescreened at least once every 5 years, and~~

503 ~~must be~~ denied employment or terminated as if required in s.  
504 402.3057. The prekindergarten instructor under s. 435.06, and  
505 must also not be ineligible to teach in a public school because  
506 his or her educator certificate is suspended or revoked. This  
507 subsection does not supersede employment requirements for  
508 instructional personnel in public schools which are more  
509 stringent than the requirements of this subsection.

510 Section 16. Subsection (6) of section 1002.63, Florida  
511 Statutes, is amended to read:

512 1002.63 School-year prekindergarten program delivered by  
513 public schools.--

514 (6) Each prekindergarten instructor employed by a public  
515 school delivering the school-year prekindergarten program must be  
516 of good moral character, ~~must be~~ screened, ~~using the level 2~~  
517 ~~screening standards in s. 435.04 before employment and~~ rescreened  
518 ~~at least once every 5 years, and~~ must be denied employment or  
519 terminated as if required in s. 402.3057. The prekindergarten  
520 instructor under s. 435.06, and must also not be ineligible to  
521 teach in a public school because his or her educator certificate  
522 is suspended or revoked. This subsection does not supersede  
523 employment requirements for instructional personnel in public  
524 schools which are more stringent than the requirements of this  
525 subsection.

526 Section 17. Paragraph (d) is added to subsection (2) of  
527 section 1002.67, Florida Statutes, to read:

528 1002.67 Performance standards; curricula and  
529 accountability.--

530 (2)

531 (d) A private prekindergarten provider or public school is  
532 encouraged to select or design a curriculum that includes

533 instruction in English and the language predominately spoken by  
534 families in the program.

535 Section 18. Subsections (6), (8), and (9) of section  
536 1002.71, Florida Statutes, are amended to read:

537 1002.71 Funding; financial and attendance reporting.--

538 (6)(a) A ~~Each~~ parent enrolling his or her child in the  
539 Voluntary Prekindergarten Education Program must agree to comply  
540 with the attendance policy of the private prekindergarten  
541 provider or district school board, as applicable. Upon enrollment  
542 of the child, the private prekindergarten provider or public  
543 school, as applicable, must provide the child's parent with a  
544 copy of the provider's or school district's attendance policy, as  
545 applicable.

546 ~~(b)1. Each private prekindergarten provider's and district~~  
547 ~~school board's attendance policy must require the parent of each~~  
548 ~~student in the Voluntary Prekindergarten Education Program to~~  
549 ~~verify, each month, the student's attendance on the prior month's~~  
550 ~~certified student attendance.~~

551 ~~2. The parent must submit the verification of the student's~~  
552 ~~attendance to the private prekindergarten provider or public~~  
553 ~~school on forms prescribed by the Agency for Workforce~~  
554 ~~Innovation. The forms must include, in addition to the~~  
555 ~~verification of the student's attendance, a certification, in~~  
556 ~~substantially the following form, that the parent continues to~~  
557 ~~choose the private prekindergarten provider or public school in~~  
558 ~~accordance with s. 1002.53 and directs that payments for the~~  
559 ~~program be made to the provider or school:~~

560

561 ~~VERIFICATION OF STUDENT'S ATTENDANCE~~

562 ~~AND CERTIFICATION OF PARENTAL CHOICE~~

563  
 564 I, ~~(Name of Parent)~~, swear (or affirm) that my child, ~~(Name~~  
 565 ~~of Student)~~, attended the Voluntary Prekindergarten Education  
 566 Program on the days listed above and certify that I continue to  
 567 choose ~~(Name of Provider or School)~~ to deliver the program  
 568 for my child and direct that program funds be paid to the  
 569 provider or school for my child.

570 ~~(Signature of Parent)~~

571 ~~(Date)~~

572  
 573 ~~3. The private prekindergarten provider or public school~~  
 574 ~~must keep each original signed form for at least 2 years. Each~~  
 575 ~~private prekindergarten provider must permit the early learning~~  
 576 ~~coalition, and each public school must permit the school~~  
 577 ~~district, to inspect the original signed forms during normal~~  
 578 ~~business hours. The Agency for Workforce Innovation shall adopt~~  
 579 ~~procedures for early learning coalitions and school districts to~~  
 580 ~~review the original signed forms against the certified student~~  
 581 ~~attendance. The review procedures shall provide for the use of~~  
 582 ~~selective inspection techniques, including, but not limited to,~~  
 583 ~~random sampling. Each early learning coalition and school~~  
 584 ~~district must comply with the review procedures.~~

585 (b) ~~(e)~~ A private prekindergarten provider or school  
 586 district, as applicable, may dismiss a student who does not  
 587 comply with the provider's or district's attendance policy. A  
 588 student dismissed under this paragraph is not removed from the  
 589 Voluntary Prekindergarten Education Program and may continue in  
 590 the program through reenrollment with another private  
 591 prekindergarten provider or public school. Notwithstanding s.

592 1002.53 (6) (b), a school district is not required to provide for  
593 the admission of a student dismissed under this paragraph.

594 (c)~~(d)~~ The Agency for Workforce Innovation shall adopt, for  
595 funding purposes, a uniform attendance policy for the Voluntary  
596 Prekindergarten Education Program. The attendance policy must  
597 apply statewide and apply equally to all private prekindergarten  
598 providers and public schools. The attendance policy must  
599 establish a minimum requirement for student attendance and  
600 include the following provisions:

601 1. A student who meets the minimum requirement may be  
602 reported as a full-time equivalent student for funding purposes.

603 2. A student who does not meet the minimum requirement may  
604 be reported only as a fractional part of a full-time equivalent  
605 student, reduced pro rata based on the student's attendance.

606 3. A student who does not meet the minimum requirement may  
607 be reported as a full-time equivalent student if the student is  
608 absent for good cause in accordance with exceptions specified in  
609 the uniform attendance policy.

610  
611 The uniform attendance policy shall be used only for funding  
612 purposes and does not prohibit a private prekindergarten provider  
613 or public school from adopting and enforcing its attendance  
614 policy under paragraphs (a) and (b)~~(e)~~.

615 (8) Except as otherwise expressly authorized by law, a  
616 private prekindergarten provider or public school may not:

617 (a) Require payment of a fee or charge for services  
618 provided for a child enrolled in the Voluntary Prekindergarten  
619 Education Program during a period reported for funding purposes;  
620 or

621 (b) Require a child to enroll for, or require the payment  
622 of any fee or charge for, full-day, extended-day, or other  
623 additional supplemental services as a condition of admitting a  
624 child for enrollment, or allowing the child to remain enrolled,  
625 in the Voluntary Prekindergarten Education Program.

626 (9)(a) A parent is responsible for the transportation of  
627 his or her child to and from the Voluntary Prekindergarten  
628 Education Program, regardless of whether the program is delivered  
629 by a private prekindergarten provider or a public school.  
630 However, a provider or school may use part of the funds it is  
631 paid under paragraph (5)(b) for transporting students to and from  
632 the program. A student enrolled in the Voluntary Prekindergarten  
633 Education Program may not be reported under s. 1011.68 for  
634 student transportation funds.

635 (b) An early learning coalition or school district is  
636 encouraged to establish and coordinate a system for transporting  
637 children to and from the Voluntary Prekindergarten Education  
638 Program using funds provided by private prekindergarten providers  
639 and public schools that voluntarily choose to participate in the  
640 transportation system. An early learning coalition or school  
641 district establishing a transportation system shall, to the  
642 maximum extent practicable, encourage the participation of  
643 private prekindergarten providers and public schools in a rural  
644 community or an urban community with a concentrated population of  
645 low-income families.

646 Section 19. Subsection (1) of section 1002.77, Florida  
647 Statutes, is amended to read:

648 1002.77 Florida Early Learning Advisory Council.--

649 (1) There is created the Florida Early Learning Advisory  
650 Council within the Agency for Workforce Innovation. The purpose

651 of the advisory council is to submit recommendations to the  
652 Chancellor of Early Learning, the department, and the Agency for  
653 Workforce Innovation on the early learning policy of this state,  
654 including recommendations relating to administration of the  
655 Voluntary Prekindergarten Education Program under this part and  
656 the school readiness programs under s. 411.01.

657 Section 20. Early Learning Information System.--

658 (1) The Agency for Workforce Innovation shall establish the  
659 Early Learning Information System to replace the current  
660 information system used by the agency and the early learning  
661 coalitions to administer the Voluntary Prekindergarten Education  
662 Program, school readiness programs, and child care resource and  
663 referral. The Early Learning Information System shall, at a  
664 minimum, provide the following:

665 (a) A centralized database and a data warehouse that  
666 maintains historical information about early learning programs;

667 (b) Continuation of core functions of the current  
668 information system, including, but not limited to, processing  
669 payments to providers of early learning programs and child care  
670 resource and referral;

671 (c) Collection of child, staff, and financial data required  
672 to produce robust analyses of the developmental and academic  
673 growth of children and the state's return on investment for early  
674 learning programs. The data may include, but is not limited to,  
675 child attendance and performance data, staff demographics and  
676 credentialing data, and financial data adequate to evaluate the  
677 state's return on investment;

678 (d) An overall conceptual design that integrates compatible  
679 data elements from databases among the Agency for Workforce

680 Innovation, the Department of Education, and the Department of  
681 Children and Family Services;

682 (e) A system that allows the Agency for Workforce  
683 Innovation and the Department of Education to jointly conduct  
684 longitudinal tracking of child performance through grade 3, which  
685 compares the performance of children participating in the  
686 Voluntary Prekindergarten Education Program or school readiness  
687 programs with the performance of children not participating in  
688 the programs;

689 (f) A system for recording the results of developmental  
690 screenings and child assessments administered to a child  
691 participating in an early learning program and transferring the  
692 results to the child's kindergarten program or school; and

693 (g) A system for measuring the educational impact and  
694 overall quality of early learning programs and publishing the  
695 information on an Internet website for parents.

696 (2) The Agency for Workforce Innovation shall establish a  
697 project timeline that requires the Early Learning Information  
698 System to be fully operational by July 1, 2010. The Agency for  
699 Workforce Innovation shall submit quarterly reports to the  
700 Governor, the President of the Senate, the Speaker of the House  
701 of Representatives, the Chancellor of Early Learning, the  
702 Technology Review Workgroup, and the State Technology Office  
703 describing the agency's progress in meeting the project timeline  
704 and, if the agency revises the project timeline, specifying the  
705 reasons for revising the timeline.

706 Section 21. (1) The Office of Program Policy Analysis and  
707 Government Accountability, by December 31, 2007, shall submit a  
708 report to the Governor, the President of the Senate, the Speaker  
709 of the House of Representatives, and the Chancellor of Early



710 Learning evaluating the administrative expenditures of the  
711 Voluntary Prekindergarten Education Program. The report shall:

712 (a) Analyze and compare the administrative expenditures of  
713 early learning coalitions for the Voluntary Prekindergarten  
714 Education Program and school readiness programs, including  
715 expenditures for nondirect services; and

716 (b) Based on the analysis and comparison, recommend a  
717 methodology for establishing appropriate limits on expenditures  
718 for administration and nondirect services for the Voluntary  
719 Prekindergarten Education Program.

720 (2) As used in this section, the term "nondirect services"  
721 includes, but is not limited to, enrolling and determining the  
722 eligibility of children, registering and determining the  
723 eligibility of providers, onsite inspections and verification of  
724 provider compliance with program requirements, advertising and  
725 other outreach to parents and providers, and training and  
726 technical assistance for providers.

727 Section 22. The sum of \$ \_\_\_\_\_ is provided from the  
728 General Revenue Fund to, and \_\_\_\_\_ positions are authorized for, the  
729 Executive Office of the Governor for the 2007-2008 fiscal year to  
730 implement s. 14.204, Florida Statutes.

731 Section 23. This act shall take effect July 1, 2007.