

## Notice of Change/Withdrawal

### DEPARTMENT OF MANAGEMENT SERVICES

#### Agency for Workforce Innovation

RULE NO: RULE TITLE

60BB-8.205: Advance Payment and Reconciliation for the Voluntary Prekindergarten Education Program

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35 No. 23, June 12, 2009 issue of the Florida Administrative Weekly.

The text of the rule has been substantially amended to read:

60BB-8.205 Advance Payment and Reconciliation for the Voluntary Prekindergarten Education Program

(1) Coalition Advance Payment. In order that early learning coalitions can make advance payments to Voluntary Prekindergarten Education (VPK) providers, during the first month of each fiscal year, contingent upon funding availability, the Agency for Workforce Innovation (Agency) shall provide an advance payment to each early learning coalition. The coalition advance payment shall also be used to offset actual coalition expenditures and shall be fully offset or repaid prior to submission of the final invoice for the fiscal year. Each coalition advance payment shall be equal to the school-year base student allocation divided by twelve (12) multiplied by the highest monthly VPK program enrollment, as defined in Rule 60BB-8.100, F.A.C., at the coalition during the previous fiscal year, however, the Agency retains the discretion to increase or decrease the amount of the coalition advance payment based on student enrollment projections or availability of funds.

(2) Provider Advance Payments.

(a) A private VPK program provider or school district may choose to receive monthly advance payments for each VPK class instead of receiving payments in accordance with the Agency's uniform attendance policy under Rule 60BB-8.204, F.A.C. The private VPK provider or school district shall notify its early learning coalition in writing at the time the provider or district enters into a VPK Provider Agreement with the coalition regarding whether it has or has not chosen to receive advance payments for its VPK classes.

(b) Each early learning coalition shall make advance payments to its private VPK providers or school districts which have chosen to receive advance payments no later than the last day of the month prior to the month for which the private provider or school district is receiving an advance payment except that advance payments for the month of July shall be made no later than the tenth (10th) day of July.

(c) Private providers or school districts that choose to accept monthly advance payments shall receive an advance payment for each month of the VPK class, which shall be reconciled on a monthly basis against actual student attendance for the month, and may receive a final reconciliation payment following the conclusion of the VPK class instruction.

(3) Advance Payment Calculation.

(a) Each coalition shall calculate and reconcile the amount of each monthly advance payment using the statewide information system. Each monthly advance payment shall be equal to the sum of the number of instructional hours each student enrolled in the class is scheduled to attend in the month multiplied by ninety-five (95) percent of the class hourly rate unless the private provider or school district received excess advance payment or should receive an additional payment as described in paragraph (3)(b) of this rule. The class hourly rate shall be equal to the county's allocation per child as calculated in accordance with Section 1002.71(3), F.S., divided by the total number of hours in the VPK program type (school-year or summer) being offered.

(b) At the conclusion of each month, each coalition shall reconcile the advance payments made to a private provider or school district in each previous month with the amount of payment the private provider or school district would have received for the month under Rule 60BB-8.204, F.A.C., to determine if the private provider or school district has received an excess advance payment or should receive additional payment.

1. An excess advance payment is an advance payment for a month which exceeds the amount of payment the private provider or school district would have received under Rule 60BB-8.204, F.A.C. If the private provider or school district receives an excess advance payment, the coalition shall reduce the next advance payment by the difference between the excess advance payment and the payment the private provider or school district would have received under Rule 60BB-8.204, F.A.C. If the private provider or school district is not entitled to a subsequent advance payment, the difference shall be an overpayment.

2. An additional payment owed is an advance payment for a month which is less than the amount of payment the private provider or school district would have received under Rule 60BB-8.204, F.A.C. If the private provider or school district is owed an additional payment, the coalition shall increase the private provider or school district's next advance payment by the difference between the amount of payment the private provider or school district would have received under Rule 60BB-8.204, F.A.C., and the amount of the advance payment. If the private provider or school district is not entitled to a subsequent advance payment, the coalition shall increase the final reconciliation payment by the difference.

(4) Final Reconciliation. At the conclusion of the VPK class, the coalition shall calculate the total amount of payment which should be made to the private VPK provider or school district for the class in accordance with Rule 60BB-8.204, F.A.C. If the total amount of payment made for the VPK class is less than the total amount which should have been made based on Rule 60BB-8.204, F.A.C., the coalition shall pay the difference to the private provider or school district as a final reconciliation payment. If the total amount of payment made for the VPK class is greater than the total amount which should have been made based on Rule 60BB-8.204, F.A.C., the difference shall be an overpayment.

(5) Overpayment.

(a) If the coalition determines that a private VPK provider or school district received payment in an amount greater than the amount earned by the private provider or school district, resulting in a negative reconciliation payment calculation, the coalition shall make reasonable efforts to collect the overpayment. Reasonable efforts include but are not limited to informing the private provider or school district of the full amount owed, making written requests for repayment, offering to negotiate a repayment schedule, and offsetting the overpayment against any future payments for early learning programs.

(b) If the coalition is unable to arrange for collection of the overpayment within ninety (90) calendar days of determining that the private provider or school district has received an overpayment and after making a reasonable effort, as determined by the Agency, the coalition shall provide all information necessary for the Agency to act to collect the overpayment. The Agency retains the ability to require the coalition to make continued efforts toward recovery of the overpayment or, if the coalition has failed to make reasonable efforts to recover the overpayment, to consider the overpayment to be a disallowed expenditure of the coalition.

Rulemaking Authority 1002.75(2)(h), 1002.75(4), 1002.79(2) FS. Law Implemented 1002.71(5)(b), 1002.75(2)(h), 1002.75(4) FS. History—  
New \_\_\_\_\_.