



Questions and Answers about the Food Program Disqualification List in HB 7165 – Early Learning Legislation

During the 2013 session, the Florida Legislature passed important early learning legislation. Designed to improve quality and bring more accountability and transparency to the state's early learning programs, the law moved the Office of Early Learning into the Department of Education and implemented changes to the Voluntary Prekindergarten (VPK) Education and School Readiness programs. The bill prohibits early learning coalitions from contracting with providers on the USDA Food Program National Disqualified List.

1. What is the specific statutory authority that bars coalitions from contracting with providers on the Food Program Disqualified List?

Section 1002.91(7), Florida Statutes, states, "The early learning coalition may not contract with a school readiness program provider or a Voluntary Prekindergarten Education Program provider who is on the United States Department of Agriculture National Disqualified List. In addition, the coalition may not contract with any provider that shares an officer or director with a provider that is on the United States Department of Agriculture National Disqualified List."

2. When one of our providers is placed on the list, are we required to terminate the provider's contract immediately?

To allow reasonable time to move children to another provider, contracts should be terminated within 30 days.

3. Does this requirement apply to the VPK program?

Yes.

4. Can a provider owner sell a center to a related party and thereby avoid being on the list?

A person or persons who are on the disqualified list are "disqualified" no matter where they are and what venue they operate (e.g., a family day care home provider who now owns a center). Additionally, the facility is also disqualified based on the legal name and Federal Employer Identification Number (FEIN). If a center is sold to someone who is not on the disqualified list and that person changes the name and FEIN of the center, then the center would be eligible to participate in the program, even though it is located at the same physical address as the center that was previously disqualified.

5. Can we disburse funds to a facility that is not disqualified but has hired a person on the disqualified list as a center director or teacher?

Yes.

6. Where can I find the list of disqualified centers? How often will the list be updated?

The list will be on the Coalition Zone SharePoint site and will be updated as it changes. OEL will send out a monthly update to the list no later than the tenth day of the month.

7. If an address is outdated, who can I contact with questions about information on the list?

Marlene DuBois, compliance specialist for the Bureau of Childcare Food Programs at the Florida Department of Health, is available to answer these questions directly. Her phone number is 850-245-4323, extension 2856, and her email is Marlene_DuBois@doh.state.fl.us.