

By Senator Sebesta

20-1452B-99

See HB

1 A bill to be entitled
2 An act relating to child care; amending s.
3 212.08, F.S.; providing a sales tax exemption
4 for educational materials purchased by child
5 care facilities, under certain conditions;
6 amending s. 402.281, F.S.; providing for Gold
7 Seal Quality Care designation for large family
8 child care homes; amending s. 402.3015, F.S.;
9 increasing the maximum family income for
10 participation in the subsidized child care
11 program; creating s. 402.3016, F.S.; providing
12 for Early Head Start collaboration grants,
13 contingent upon specific appropriations;
14 providing duties of the Department of Children
15 and Family Services; providing for rules;
16 creating s. 402.3017, F.S.; directing the
17 department to establish health care coverage
18 for employees of certain subsidized child care
19 providers through the state employees health
20 insurance program; providing eligibility
21 requirements; providing a schedule of premium
22 participation; amending s. 402.302, F.S.;
23 defining the term "large family child care
24 home"; creating s. 402.3027, F.S.; directing
25 the department to establish a system for the
26 behavioral observation and developmental
27 assessment of young children in subsidized
28 child care programs; providing definitions;
29 providing principles and procedures; amending
30 s. 402.305, F.S.; revising minimum training
31 requirements for child care personnel;

1 providing minimum training requirements for
2 child care facility directors; providing for
3 development of minimum standards for
4 specialized child care facilities for mildly
5 ill children; amending s. 402.3051, F.S.;
6 providing for child care market rate
7 reimbursement for child care providers who hold
8 a Gold Seal Quality Care designation; amending
9 ss. 402.3055, 943.0585, 943.059, F.S.;
10 conforming cross-references; creating s.
11 402.3108, F.S.; establishing a toll-free
12 telephone line to provide consultation to child
13 care centers and family day care homes,
14 contingent upon specific appropriations;
15 providing for contracts; amending s. 402.313,
16 F.S.; revising requirements relating to the
17 training course for operators of family child
18 care homes; providing a compliance schedule;
19 creating s. 402.3131, F.S.; providing for
20 licensure of large family child care homes;
21 providing a penalty; providing requirements and
22 standards; providing duties of the department;
23 providing for screening of certain persons;
24 providing for rules; providing an effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Paragraph (zz) is added to subsection (5)
30 of section 212.08, Florida Statutes, 1998 Supplement, to read:
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1 212.08 Sales, rental, use, consumption, distribution,
2 and storage tax; specified exemptions.--The sale at retail,
3 the rental, the use, the consumption, the distribution, and
4 the storage to be used or consumed in this state of the
5 following are hereby specifically exempt from the tax imposed
6 by this chapter.

7 (5) EXEMPTIONS; ACCOUNT OF USE.--

8 (zz) Educational materials, such as glue, paper,
9 paints, crayons, unique craft items, scissors, books, and
10 educational toys, purchased by a child care facility that
11 meets the standards delineated in s. 402.305, is licensed
12 under s. 402.308, holds a current Gold Seal Quality Care
13 designation pursuant to s. 402.281, and provides basic health
14 insurance to all employees are exempt from the taxes imposed
15 by this chapter. For purposes of this paragraph, the term
16 "basic health insurance" shall be defined and promulgated in
17 rules developed jointly by the Department of Children and
18 Family Services, the Agency for Health Care Administration,
19 and the Department of Insurance.

20
21 Exemptions provided to any entity by this subsection shall not
22 inure to any transaction otherwise taxable under this chapter
23 when payment is made by a representative or employee of such
24 entity by any means, including, but not limited to, cash,
25 check, or credit card even when that representative or
26 employee is subsequently reimbursed by such entity.

27 Section 2. Section 402.26, Florida Statutes, is
28 amended to read:

29 402.26 Child care; legislative intent.--

30 (1) The Legislature recognizes the critical importance
31 to the citizens of the state of both safety and quality in

1 child care. Child care in Florida is in the midst of
2 continuing change and development, driven by extraordinary
3 changes in demographics. Many parents with children under age
4 6 are employed outside the home. For the majority of
5 Florida's children, child care will be a common experience.
6 For many families, child care is an indispensable part of the
7 effort to meet basic economic obligations or to make economic
8 gains. State policy continues to recognize the changing
9 composition of the labor force and the need to respond to the
10 concerns of Florida's citizens as they enter the child care
11 market. In particular, the Legislature recognizes the need to
12 have more working parents employed in family-friendly
13 workplaces. In addition, the Legislature recognizes the
14 abilities of public and private employers to assist the
15 family's efforts to balance family care needs with employment
16 opportunities.

17 (2) The Legislature also recognizes the effects of
18 both safety and quality in child care in reducing the need for
19 special education, public assistance, and dependency programs
20 and in reducing the incidence of delinquency and educational
21 failure. In a budgetary context that spends billions of
22 dollars to address the aftermath of bad outcomes, safe,
23 quality child care is one area in which the often maligned
24 concept of cost-effective social intervention can be applied.
25 It is the intent of the Legislature, therefore, that state
26 policy should be firmly embedded in the recognition that child
27 care is a voluntary choice of the child's parents. For
28 parents who choose child care, it is the intent of the
29 Legislature to protect the health and welfare of children in
30 care.

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1 (3) To protect the health and welfare of children, it
2 is the intent of the Legislature to develop a regulatory
3 framework that promotes the growth and stability of the child
4 care industry and facilitates the safe physical, intellectual,
5 motor, and social development of the child.

6 (4) It is also the intent of the Legislature to
7 promote the development of child care options in the private
8 sector and disseminate information that will assist the public
9 in determining appropriate child care options.

10 (5) It is the further intent of the Legislature to
11 provide and make accessible child care opportunities for
12 children at risk, economically disadvantaged children, and
13 other children traditionally disenfranchised from society. In
14 achieving this intent, the Legislature shall develop a
15 subsidized child care system, a range of child care options,
16 support services, and linkages with other programs to fully
17 meet the child care needs of this population.

18 (6) It is the intent of the Legislature that a
19 licensed or exempt child care facility that meets the
20 standards under s. 402.305 and the Gold Seal Quality Care
21 program under s. 402.281 be considered an educational
22 institution.

23 Section 3. Subsection (2) of section 402.281, Florida
24 Statutes, is amended to read:

25 402.281 Gold Seal Quality Care program.--

26 (2) Child care facilities, large family child care
27 homes, or family day care homes that ~~which~~ are accredited by a
28 nationally recognized accrediting association whose standards
29 substantially meet or exceed the National Association for the
30 Education of Young Children (NAEYC), the National Association
31 of Family Child Care, and the National Early Childhood Program

1 Accreditation Commission shall receive a separate "Gold Seal
2 Quality Care" designation to operate as a gold seal child care
3 facility, large family child care home, or family day care
4 home.

5 Section 4. Subsection (1) of section 402.3015, Florida
6 Statutes, is amended to read:

7 402.3015 Subsidized child care program; purpose; fees;
8 contracts.--

9 (1) The purpose of the subsidized child care program
10 is to provide quality child care to enhance the development,
11 including language, cognitive, motor, social, and self-help
12 skills of children who are at risk of abuse or neglect and
13 children of low-income families, and to promote financial
14 self-sufficiency and life skills for the families of these
15 children, unless prohibited by federal law. Priority for
16 participation in the subsidized child care program shall be
17 accorded to children under 13 years of age who are:

18 (a) Determined to be at risk of abuse, neglect, or
19 exploitation and who are currently clients of the department's
20 Children and Families ~~Services~~ Program Office;

21 (b) Children at risk of welfare dependency, including
22 children of participants in the WAGES Program, children of
23 migrant farmworkers, children of teen parents, and children
24 from other families at risk of welfare dependency due to a
25 family income of less than 100 percent of the federal poverty
26 level; ~~and~~

27 (c) Children of working families whose family income
28 is equal to or greater than 100 percent, but does not exceed
29 150 percent, of the federal poverty level; and.

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1 (d) Children of working families enrolled in the Child
2 Care Partnership Program whose family income does not exceed
3 200 percent of the federal poverty level.

4 Section 5. Section 402.3016, Florida Statutes, is
5 created to read:

6 402.3016 Early Head Start collaboration grants.--

7 (1) Contingent upon specific appropriations, the
8 Department of Children and Family Services shall establish a
9 program to award collaboration grants to assist local agencies
10 in securing Early Head Start programs through Early Head Start
11 program federal grants. The collaboration grants shall provide
12 the required matching funds for public and private nonprofit
13 agencies that have been approved for Early Head Start program
14 federal grants.

15 (2) Public and private nonprofit agencies providing
16 Early Head Start programs applying for collaborative grants
17 must:

18 (a) Ensure quality performance by meeting the
19 requirements in the Head Start program performance standards
20 and other applicable rules and regulations;

21 (b) Ensure collaboration with other service providers
22 at the local level; and

23 (c) Ensure that a comprehensive array of health,
24 nutritional, and other services are provided to the program's
25 pregnant women and very young children, and their families.

26 (3) The department shall report to the Legislature on
27 an annual basis the number of agencies receiving Early Head
28 Start collaboration grants and the number of children served.

29 (4) The department may adopt rules as necessary for
30 the award of collaboration grants to competing agencies and
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1 the administration of the collaboration grants program under
2 this section.

3 Section 6. Section 402.3017, Florida Statutes, is
4 created to read:

5 402.3017 Health care coverage for center-based
6 subsidized child care providers.--

7 (1) The department is authorized and directed to
8 establish a health care buy-in option through the state
9 employees health insurance program for center-based subsidized
10 child care providers who provide child care services paid for
11 in whole or in part by the department, who meet the
12 eligibility requirements of this section, and who hold a Gold
13 Seal Quality Care designation.

14 (2) A center-based provider is eligible to participate
15 if the provider:

16 (a) Is licensed as a child day care provider by the
17 department pursuant to s. 402.305 or is exempt from licensure
18 pursuant to s. 402.316;

19 (b) Demonstrates that it meets the minimum subsidized
20 child care participation rates as determined by the department
21 in an applicable period; and

22 (c) Elects to exercise this health care buy-in
23 coverage option on behalf of its employees and makes timely
24 payment of the provider's share of the premium.

25 (3) Effective January 1, 2000:

26 (a) If the number of children served by the provider
27 meets the department's subsidized child care guidelines and at
28 least 50 percent of the licensed capacity of the provider are
29 children in the subsidized child care program, then the
30 center-based child care provider shall pay 50 percent of the

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1 monthly premiums attributable to the center's participating
2 employees.

3 (b) If the number of children served by the provider
4 meets the department's subsidized child care guidelines and at
5 least 40 percent of the licensed capacity of the provider are
6 children in the subsidized child care program, then the
7 center-based child care provider shall pay 60 percent of the
8 monthly premiums attributable to the center's participating
9 employees.

10 (c) If the number of children served by the provider
11 meets the department's subsidized child care guidelines and at
12 least 30 percent of the licensed capacity of the provider are
13 children in the subsidized child care program, then the
14 center-based child care provider shall pay 70 percent of the
15 monthly premiums attributable to the center's participating
16 employees.

17 (4) The department is authorized to adopt rules as
18 necessary to effect the intent and further define the terms
19 and provisions of this section, which may include, but need
20 not be limited to, rules relating to the terms, premiums,
21 conditions, limitations, and restrictions of the health care
22 buy-in option and enrollment periods and procedures.

23 Section 7. Present subsections (8) through (15) of
24 section 402.302, Florida Statutes, 1998 Supplement, are
25 renumbered as subsections (9) through (16), respectively, and
26 a new subsection (8) is added to that section to read:

27 402.302 Definitions.--

28 (8) "Large family child care home" means an occupied
29 residence in which child care is regularly provided for
30 children from at least two unrelated families, which receives
31 a payment, fee, or grant for any of the children receiving

1 care, whether or not operated for profit, and which has at
2 least two full-time child care personnel on the premises
3 during the hours of operation. One of the two full-time child
4 care personnel must be the owner or occupant of the residence.
5 A large family child care home must first operate as a
6 licensed family child care home, with an operator who has a
7 child development associate credential or equivalent, for a
8 minimum of 3 consecutive years before seeking licensure as a
9 family group child care home. A large family child care home
10 shall be allowed to provide care for one of the following
11 groups of children, which shall include those children under
12 12 years of age who are related to the caregiver:

13 (a) A maximum of 8 children from birth to 24 months of
14 age.

15 (b) A maximum of 12 children, with no more than 4
16 children under 24 months of age.

17 Section 8. Section 402.3027, Florida Statutes, is
18 created to read:

19 402.3027 Observation and assessment of young children
20 in subsidized child care programs.--The Department of Children
21 and Family Services is directed to establish a system for the
22 behavioral observation and developmental assessment of young
23 children in subsidized child care programs, to assist in
24 determining appropriate developmental age level, the need for
25 formal developmental assessment, or the need to make referrals
26 for necessary early intervention programs and specialized
27 services.

28 (1) DEFINITIONS.--

29 (a) "Developmental assessment test" means a
30 standardized assessment test designed to identify normal child
31 development or developmental delays.

1 (b) "Developmental milestones" means behaviors that a
2 child should be exhibiting by a certain age in the cognitive,
3 physical/psychomotor, and social domains.

4 (c) "Developmental observation checklist" means a
5 behavioral observation instrument used to identify
6 developmental milestones.

7 (d) "Diagnostic assessments test" means a test
8 designed to identify children with specific special needs,
9 determine the nature of the problem, suggest the cause of the
10 problem, and propose remediation strategies.

11 (e) "School readiness tests" means tests designed to
12 assess a child's level of preparedness for an academic
13 program.

14 (2) PRINCIPLES.--In the development of a system for
15 the behavioral observation and developmental assessment of
16 young children in subsidized child care, the department shall
17 adhere to the following principles:

18 (a) Informed consent of the child's parent shall be
19 secured prior to all Level II and Level III assessments.

20 (b) All standardized tests used in early childhood
21 programs must be reliable and valid according to the technical
22 standards of test development.

23 (c) It is the responsibility of the program operator
24 and child care staff to be knowledgeable regarding child
25 development and the use of behavioral observation instruments.

26 (d) Standardized assessment tests and diagnostic
27 assessments tests shall only be administered by professional
28 and trained staff.

29 (e) Testing of young children must be conducted by
30 individuals who are knowledgeable about and sensitive to the
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1 developmental needs of young children and are qualified to
2 administer tests.
3 (f) Parents shall be full partners in the assessment
4 process and parent training shall be made available.
5 (3) PROCEDURES.--The department shall implement the
6 following assessment procedures for all children in a
7 subsidized child care arrangement:
8 (a) Level I assessment.--
9 1. The purpose of Level I assessment is to identify
10 and monitor normal development or possible developmental
11 delay.
12 2. All children in care who are between the ages of 1
13 year and 4 years, inclusive, shall be screened every 6 months
14 using a department-approved developmental observation
15 checklist.
16 3. The results indicated by the checklist shall be
17 reviewed by the facility's child development associate or by
18 the community child care coordinating agency.
19 4. The department shall establish procedures to
20 provide feedback to parents regarding observed development and
21 activities, including parent training, to enhance the child's
22 cognitive, psychomotor, and social skills.
23 (b) Level II assessment.--
24 1. The purpose of Level II assessment is to determine
25 whether a delay identified in a Level I assessment can be
26 addressed by the child care facility or family day care home
27 or whether a special service or further assessment is needed.
28 2. Level II assessment shall be conducted by trained
29 professional staff.
30 3. The department shall establish procedures to:
31

1 a. Develop individualized learning plans for
2 implementation by the primary caregiver.

3 b. Adopt and offer a program of intensive language or
4 math activities provided by visiting specialist.

5 c. Adopt and offer a program of parent training and
6 home visits.

7 (c) Level III assessment.--When indicated by a Level
8 II assessment, the department shall establish procedures to
9 refer a child to Level III assessment providers such as
10 Florida Diagnostic and Learning Resource Services,
11 Medicaid/Early Periodic Screening, Diagnosis, and Testing
12 (EPSDT), Children's Medical Services, and other health
13 services, to determine eligibility for an early intervention
14 program.

15 Section 9. Paragraph (d) of subsection (2) of section
16 402.305, Florida Statutes, 1998 Supplement, is amended,
17 paragraph (f) is added to subsection (2), present subsections
18 (17) and (18) are renumbered as subsections (18) and (19),
19 respectively, and a new subsection (17) is added to that
20 section, to read:

21 402.305 Licensing standards; child care facilities.--

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

24 (d) Minimum ~~staff~~ training requirements for child care
25 personnel.

26 1. Such minimum standards for training shall ensure
27 that all child care personnel and operators of family child
28 day care homes serving at-risk children in a subsidized child
29 care program pursuant to s. 402.3015 take an approved
30 40-clock-hour ~~30-clock-hour~~ introductory course in child care,
31 which course covers at least the following topic areas:

- 1 a. State and local rules and regulations which govern
2 child care.
- 3 b. Health, safety, and nutrition.
- 4 c. Identifying and reporting child abuse and neglect.
- 5 d. Child development, including typical and atypical
6 language, cognitive, motor, social, and self-help skills
7 development.
- 8 e. Observation of developmental behaviors, including
9 using a checklist or other similar observation tools and
10 techniques to determine the child's developmental age level.
- 11 ~~f.e.~~ Specialized areas, as determined by the
12 department, for owner-operators and child care personnel of a
13 child care facility.
- 14
- 15 Within 90 days of employment, child care personnel shall begin
16 training to meet the training requirements and shall complete
17 such training within 1 year of the date on which the training
18 began. Exemption from all or a portion of the required
19 training shall be granted to child care personnel based upon
20 educational credentials or passage of competency examinations.
- 21 2. The introductory course in child care shall stress,
22 to the extent possible, an interdisciplinary approach to the
23 study of children.
- 24 3. On an annual basis in order to further their child
25 care skills and, if appropriate, administrative skills, child
26 care personnel who have fulfilled the requirements for the
27 child care training shall be required to take an additional
28 approved 8 clock hours of inservice training or an equivalent
29 as determined by the department.
- 30 4. Procedures for ensuring the training of qualified
31 child care professionals to provide training of child care

1 personnel, including onsite training, shall be included in the
2 minimum standards. It is recommended that the state community
3 child care coordination agencies (central agencies) be
4 contracted by the department to coordinate such training when
5 possible. Other district educational resources, such as
6 community colleges and vocational-technical programs, can be
7 designated in such areas where central agencies may not exist
8 or are determined not to have the capability to meet the
9 coordination requirements set forth by the department.

10 5. Training requirements shall not apply to certain
11 occasional or part-time support staff, including, but not
12 limited to, swimming instructors, piano teachers, dance
13 instructors, and gymnastics instructors.

14 6. The State Coordinating Council for Early Childhood
15 Services, in coordination with the department, shall evaluate
16 or contract for an evaluation for the general purpose of
17 determining the status of and means to improve staff training
18 requirements and testing procedures. The evaluation shall be
19 completed by October 1, 1992, and conducted every 2 years
20 thereafter. The evaluation shall include, but not be limited
21 to, determining the availability, quality, scope, and sources
22 of current staff training; determining the need for specialty
23 training; and determining ways to increase inservice training
24 and ways to increase the accessibility, quality, and
25 cost-effectiveness of current and proposed staff training. The
26 evaluation methodology shall include a reliable and valid
27 survey of child care personnel.

28 7. The child care operator shall be required to take
29 basic training in serving children with disabilities within 5
30 years after employment, either as a part of the introductory
31 training or the annual 8 hours of inservice training.

1 (f) By January 1, 2000, a credential for child care
2 facility directors. By January 1, 2003, the credential shall
3 be a required minimum standard for licensing.

4 (17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF
5 MILDLY ILL CHILDREN.--Minimum standards shall be developed by
6 the department, in conjunction with the Department of Health,
7 for specialized child care facilities for the care of mildly
8 ill children. The minimum standards shall address the
9 following areas: personnel requirements; staff-to-child
10 ratios; staff training and credentials; health and safety;
11 physical facility requirements, including square footage;
12 client eligibility, including a definition of "mildly ill
13 children"; sanitation and safety; admission and recordkeeping;
14 dispensing of medication; and a schedule of activities.

15 Section 10. Subsection (2) of section 402.3051,
16 Florida Statutes, is amended to read:

17 402.3051 Child care market rate reimbursement; child
18 care grants.--

19 (2) The department shall establish procedures to
20 reimburse licensed, exempt, or registered child care providers
21 who hold a Gold Seal Quality Care designation at the market
22 rate for child care services for children who are eligible to
23 receive subsidized child care; and licensed, exempt, or
24 registered child care providers at the prevailing market rate
25 for child care services for children who are eligible to
26 receive subsidized child care, unless prohibited by federal
27 law under s. 402.3015. The department shall establish
28 procedures to reimburse providers of unregulated child care at
29 not more than 50 percent of the market rate. The payment
30 system may not interfere with the parents' decision as to the
31 appropriate child care arrangement, regardless of the level of

1 available funding for child care. The child care program
2 assessment tool may not be used to determine reimbursement
3 rates.

4 Section 11. Paragraphs (b), (d), and (g) of subsection
5 (2) of section 402.3055, Florida Statutes, are amended to
6 read:

7 402.3055 Child care personnel requirements.--

8 (2) EXCLUSION FROM OWNING, OPERATING, OR BEING
9 EMPLOYED BY A CHILD CARE FACILITY OR OTHER CHILD CARE PROGRAM;
10 HEARINGS PROVIDED.--

11 (b) When the department or the local licensing agency
12 has reasonable cause to believe that grounds for denial or
13 termination of employment exist, it shall notify, in writing,
14 the applicant, licensee, or other child care program and the
15 child care personnel affected, stating the specific record
16 which indicates noncompliance with the standards in s.
17 402.305(2)~~(1)~~.

18 (d) When a local licensing agency is the agency
19 initiating the statement regarding noncompliance of an
20 employee with the standards contained in s. 402.305(2)~~(1)~~, the
21 employee, applicant, licensee, or other child care program has
22 15 days from the time of written notification of the agency's
23 finding to make a written request for a hearing. If a request
24 for a hearing is not received in that time, the permanent
25 employee, applicant, licensee, or other child care program is
26 presumed to accept the finding.

27 (g) Refusal on the part of an applicant or licensee to
28 dismiss child care personnel who have been found to be in
29 noncompliance with personnel standards of s. 402.305(2)~~(1)~~
30 shall result in automatic denial or revocation of the license
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1 in addition to any other remedies pursued by the department or
2 local licensing agency.

3 Section 12. Section 402.3018, Florida Statutes, is
4 created to read:

5 402.3018 Consultation to child care centers and family
6 day care homes regarding health, developmental, disability,
7 and special needs issues.--

8 (1) Contingent upon specific appropriations, the
9 department is directed to contract with the statewide resource
10 information and referral agency for a statewide toll-free
11 Warm-Line for the purpose of providing assistance and
12 consultation to child care centers and family day care homes
13 regarding health, developmental, disability, and special needs
14 issues of the children they are serving, particularly children
15 with disabilities and other special needs.

16 (2) The purpose of the Warm-Line is to provide advice
17 to child care personnel concerning strategies, curriculum, and
18 environmental adaptations that allow a child to derive maximum
19 benefit from the child care experience.

20 (3) The department shall inform child care centers and
21 family day care homes of the availability of this service, on
22 an annual basis.

23 (4) Contingent upon specific appropriations, the
24 department shall expand or contract for the expansion of the
25 Warm-Line from one statewide site to one Warm-Line site in
26 each child care resource and referral agency region.

27 (5) Each regional Warm-Line shall provide assistance
28 and consultation to child care centers and family day care
29 homes regarding health, developmental, disability, and special
30 needs issues of the children they are serving, particularly
31 children with disabilities and other special needs. Regional

1 Warm-Line staff shall provide onsite technical assistance,
2 when requested, to assist child care centers and family day
3 care homes with inquiries relative to the strategies,
4 curriculum, and environmental adaptations the child care
5 centers and family day care homes may need as they serve
6 children with disabilities and other special needs.

7 Section 13. Subsections (1) and (4) of section
8 402.313, Florida Statutes, are amended to read:

9 402.313 Family day care homes.--

10 (1) Family day care homes shall be licensed under this
11 act if they are presently being licensed under an existing
12 county licensing ordinance, if they are participating in the
13 subsidized child care program, or if the board of county
14 commissioners passes a resolution that family day care homes
15 be licensed. If no county authority exists for the licensing
16 of a family day care home, the department shall have the
17 authority to license family day care homes under contract for
18 the purchase-of-service system in the subsidized child care
19 program.

20 (a) If not subject to license, family day care homes
21 shall register annually with the department, providing the
22 following information:

- 23 1. The name and address of the home.7
- 24 2. The name of the operator.7
- 25 3. The number of children served.7
- 26 4. Proof of a written plan to provide at least one
27 other competent adult to be available to substitute for the
28 operator in an emergency. This plan shall include the name,
29 address, and telephone number of the designated substitute.7
- 30 5. Proof of screening and background checks.7

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1 6. Proof of completion of the 30-hour ~~3-hour~~ training
2 course, which shall include:

3 a. State and local rules and regulations that govern
4 child care.

5 b. Health, safety, and nutrition.

6 c. Identifying and reporting child abuse and neglect.

7 d. Child development, including typical and atypical
8 language development; and cognitive, motor, social, and
9 self-help skills development.

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

13 f. Specialized areas, as determined by the department,
14 for owner-operators of family child care homes.~~and~~

15 7. Proof that immunization records are kept current.

16 (b) The department or local licensing agency may
17 impose an administrative fine, not to exceed \$100, for failure
18 to comply with licensure or registration requirements.

19 (c) A family day care home not participating in the
20 subsidized child care program may volunteer to be licensed
21 under the provisions of this act.

22 (d) The department may provide technical assistance to
23 counties and family day care home providers to enable counties
24 and family day care providers to achieve compliance with
25 family day care homes standards.

26 (4) Operators of family child ~~day~~ care homes shall
27 take an approved 30-clock-hour ~~3-clock-hour~~ introductory
28 course in child care. Family child care homes licensed or
29 registered on June 30, 1999, shall have until June 30, 2001,
30 to comply with this course requirement, except that the
31 department shall exempt family child care homes in this

1 category that can demonstrate that the operator has received
2 at least 30 hours of training. Family child care homes
3 initially licensed or registered on or after July 1, 1999, but
4 before October 1, 1999, shall have until October 1, 1999, to
5 comply with the 30-clock-hour course requirement. Family child
6 care homes initially licensed or registered on or after
7 October 1, 1999, must comply with the 30-clock-hour course
8 requirement before caring for children.

9 Section 14. Section 402.3131, Florida Statutes, is
10 created to read:

11 402.3131 Large family child care homes.--

12 (1) Large family child care homes shall be licensed
13 under this section.

14 (a) The department or local licensing agency may
15 impose an administrative fine, not to exceed \$1,000, for
16 failure to comply with licensure requirements.

17 (b) A licensed family child care home must first
18 operate for a minimum of 3 consecutive years, with an operator
19 who has a child development associate credential or
20 equivalent, before seeking licensure as a large family child
21 care home.

22 (c) The department may provide technical assistance to
23 counties and family child care home providers to enable the
24 counties and providers to achieve compliance with minimum
25 standards for large family child care homes.

26 (2) Child care personnel in large family child care
27 homes shall be subject to the applicable screening provisions
28 contained in ss. 402.305(2) and 402.3055. For purposes of
29 screening child care personnel in large family child care
30 homes, the term "child care personnel" includes any member of
31 a family group child care home operator's family 12 years of

1 age or older, or any person 12 years of age or older residing
2 with the operator in the large family child care home. Members
3 of the operator's family, or persons residing with the
4 operator, who are between the ages of 12 years and 18 years,
5 inclusive, shall not be required to be fingerprinted, but
6 shall be screened for delinquency records.

7 (3) Operators of large family child care homes shall
8 take an approved 40-clock-hour introductory course in group
9 child care.

10 (4) The department shall prepare a brochure on large
11 family child care homes for distribution to the general
12 public.

13 (5) The department shall, by rule, establish minimum
14 standards for large family child care homes. The standards
15 shall include, at a minimum, requirements for staffing,
16 maintenance of immunization records, minimum health standards,
17 and enforcement of standards.

18 Section 15. Paragraph (a) of subsection (4) of section
19 943.0585, Florida Statutes, 1998 Supplement, is amended to
20 read:

21 943.0585 Court-ordered expunction of criminal history
22 records.--The courts of this state have jurisdiction over
23 their own procedures, including the maintenance, expunction,
24 and correction of judicial records containing criminal history
25 information to the extent such procedures are not inconsistent
26 with the conditions, responsibilities, and duties established
27 by this section. Any court of competent jurisdiction may
28 order a criminal justice agency to expunge the criminal
29 history record of a minor or an adult who complies with the
30 requirements of this section. The court shall not order a
31 criminal justice agency to expunge a criminal history record

1 until the person seeking to expunge a criminal history record
2 has applied for and received a certificate of eligibility for
3 expunction pursuant to subsection (2). A criminal history
4 record that relates to a violation of chapter 794, s. 800.04,
5 s. 817.034, s. 827.071, chapter 839, s. 893.135, or a
6 violation enumerated in s. 907.041 may not be expunged,
7 without regard to whether adjudication was withheld, if the
8 defendant was found guilty of or pled guilty or nolo
9 contendere to the offense, or if the defendant, as a minor,
10 was found to have committed, or pled guilty or nolo contendere
11 to committing, the offense as a delinquent act. The court may
12 only order expunction of a criminal history record pertaining
13 to one arrest or one incident of alleged criminal activity,
14 except as provided in this section. The court may, at its sole
15 discretion, order the expunction of a criminal history record
16 pertaining to more than one arrest if the additional arrests
17 directly relate to the original arrest. If the court intends
18 to order the expunction of records pertaining to such
19 additional arrests, such intent must be specified in the
20 order. A criminal justice agency may not expunge any record
21 pertaining to such additional arrests if the order to expunge
22 does not articulate the intention of the court to expunge a
23 record pertaining to more than one arrest. This section does
24 not prevent the court from ordering the expunction of only a
25 portion of a criminal history record pertaining to one arrest
26 or one incident of alleged criminal activity. Notwithstanding
27 any law to the contrary, a criminal justice agency may comply
28 with laws, court orders, and official requests of other
29 jurisdictions relating to expunction, correction, or
30 confidential handling of criminal history records or
31 information derived therefrom. This section does not confer

1 any right to the expunction of any criminal history record,
2 and any request for expunction of a criminal history record
3 may be denied at the sole discretion of the court.

4 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
5 criminal history record of a minor or an adult which is
6 ordered expunged by a court of competent jurisdiction pursuant
7 to this section must be physically destroyed or obliterated by
8 any criminal justice agency having custody of such record;
9 except that any criminal history record in the custody of the
10 department must be retained in all cases. A criminal history
11 record ordered expunged that is retained by the department is
12 confidential and exempt from the provisions of s. 119.07(1)
13 and s. 24(a), Art. I of the State Constitution and not
14 available to any person or entity except upon order of a court
15 of competent jurisdiction. A criminal justice agency may
16 retain a notation indicating compliance with an order to
17 expunge.

18 (a) The person who is the subject of a criminal
19 history record that is expunged under this section or under
20 other provisions of law, including former s. 893.14, former s.
21 901.33, and former s. 943.058, may lawfully deny or fail to
22 acknowledge the arrests covered by the expunged record, except
23 when the subject of the record:

- 24 1. Is a candidate for employment with a criminal
25 justice agency;
- 26 2. Is a defendant in a criminal prosecution;
- 27 3. Concurrently or subsequently petitions for relief
28 under this section or s. 943.059;
- 29 4. Is a candidate for admission to The Florida Bar;
- 30 5. Is seeking to be employed or licensed by or to
31 contract with the Department of Children and Family Services

1 or the Department of Juvenile Justice or to be employed or
2 used by such contractor or licensee in a sensitive position
3 having direct contact with children, the developmentally
4 disabled, the aged, or the elderly as provided in s.
5 110.1127(3), s. 393.063(14), s. 394.4572(1), s. 397.451, s.
6 402.302(3)~~(8)~~, s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),
7 s. 415.1075(4), s. 985.407, or chapter 400; or

8 6. Is seeking to be employed or licensed by the Office
9 of Teacher Education, Certification, Staff Development, and
10 Professional Practices of the Department of Education, any
11 district school board, or any local governmental entity that
12 licenses child care facilities.

13 Section 16. Paragraph (a) of subsection (4) of section
14 943.059, Florida Statutes, 1998 Supplement, is amended to
15 read:

16 943.059 Court-ordered sealing of criminal history
17 records.--The courts of this state shall continue to have
18 jurisdiction over their own procedures, including the
19 maintenance, sealing, and correction of judicial records
20 containing criminal history information to the extent such
21 procedures are not inconsistent with the conditions,
22 responsibilities, and duties established by this section. Any
23 court of competent jurisdiction may order a criminal justice
24 agency to seal the criminal history record of a minor or an
25 adult who complies with the requirements of this section. The
26 court shall not order a criminal justice agency to seal a
27 criminal history record until the person seeking to seal a
28 criminal history record has applied for and received a
29 certificate of eligibility for sealing pursuant to subsection
30 (2). A criminal history record that relates to a violation of
31 chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839,

1 s. 893.135, or a violation enumerated in s. 907.041 may not be
2 sealed, without regard to whether adjudication was withheld,
3 if the defendant was found guilty of or pled guilty or nolo
4 contendere to the offense, or if the defendant, as a minor,
5 was found to have committed or pled guilty or nolo contendere
6 to committing the offense as a delinquent act. The court may
7 only order sealing of a criminal history record pertaining to
8 one arrest or one incident of alleged criminal activity,
9 except as provided in this section. The court may, at its sole
10 discretion, order the sealing of a criminal history record
11 pertaining to more than one arrest if the additional arrests
12 directly relate to the original arrest. If the court intends
13 to order the sealing of records pertaining to such additional
14 arrests, such intent must be specified in the order. A
15 criminal justice agency may not seal any record pertaining to
16 such additional arrests if the order to seal does not
17 articulate the intention of the court to seal records
18 pertaining to more than one arrest. This section does not
19 prevent the court from ordering the sealing of only a portion
20 of a criminal history record pertaining to one arrest or one
21 incident of alleged criminal activity. Notwithstanding any law
22 to the contrary, a criminal justice agency may comply with
23 laws, court orders, and official requests of other
24 jurisdictions relating to sealing, correction, or confidential
25 handling of criminal history records or information derived
26 therefrom. This section does not confer any right to the
27 sealing of any criminal history record, and any request for
28 sealing a criminal history record may be denied at the sole
29 discretion of the court.

30 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A
31 criminal history record of a minor or an adult which is

1 ordered sealed by a court of competent jurisdiction pursuant
2 to this section is confidential and exempt from the provisions
3 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution
4 and is available only to the person who is the subject of the
5 record, to the subject's attorney, to criminal justice
6 agencies for their respective criminal justice purposes, or to
7 those entities set forth in subparagraphs (a)1., 4., 5., and
8 6. for their respective licensing and employment purposes.

9 (a) The subject of a criminal history record sealed
10 under this section or under other provisions of law, including
11 former s. 893.14, former s. 901.33, and former s. 943.058, may
12 lawfully deny or fail to acknowledge the arrests covered by
13 the sealed record, except when the subject of the record:

- 14 1. Is a candidate for employment with a criminal
15 justice agency;
- 16 2. Is a defendant in a criminal prosecution;
- 17 3. Concurrently or subsequently petitions for relief
18 under this section or s. 943.0585;
- 19 4. Is a candidate for admission to The Florida Bar;
- 20 5. Is seeking to be employed or licensed by or to
21 contract with the Department of Children and Family Services
22 or the Department of Juvenile Justice or to be employed or
23 used by such contractor or licensee in a sensitive position
24 having direct contact with children, the developmentally
25 disabled, the aged, or the elderly as provided in s.
26 110.1127(3), s. 393.063(14), s. 394.4572(1), s. 397.451, s.
27 402.302(3)~~(8)~~, s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),
28 s. 415.103, s. 985.407, or chapter 400; or
- 29 6. Is seeking to be employed or licensed by the Office
30 of Teacher Education, Certification, Staff Development, and
31 Professional Practices of the Department of Education, any

1 district school board, or any local governmental entity which
2 licenses child care facilities.

3 Section 17. This act shall take effect July 1, 1999.

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LEGISLATIVE SUMMARY

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8 Provides a sales tax exemption for educational materials
9 purchased by licensed child care facilities with Gold
10 Seal Quality Care designation from the Department of
11 Children and Family Services that provide all their
12 employees with basic health insurance coverage. Defines
13 "large family child care home" and provides for licensure
14 and Gold Seal designation of such homes. Provides a
15 maximum \$1,000 fine for failure to comply with licensing
16 requirements. Provides for child care market rate
17 reimbursement for Gold Seal child care providers.
18 Increases from 150 to 200 percent of federal poverty
19 level the maximum family income for participation in the
20 subsidized child care program. Directs the department to
21 establish health care coverage for employees of certain
22 subsidized child care providers through the state
23 employees health insurance program. Provides eligibility
24 requirements and a schedule of premium participation.
25 Directs the department to establish a system for
26 behavioral observation and developmental assessment of
27 young children in subsidized child care. Contingent upon
28 specific appropriations, directs the department to
29 establish a program to award Early Head Start
30 collaboration grants to provide matching funds to secure
31 Early Head Start program federal grants. Revises minimum
training requirements for child care facility personnel.
Provides minimum training requirements for directors of
child care facilities. Provides for development of
minimum standards for specialized child care facilities
for the care of mildly ill children. Contingent upon
specific appropriations, establishes a toll-free
telephone line to provide consultation to child care
centers and family day care homes. Increases the training
course requirement for operators of large family child
care homes. (See bill for details.)

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