

By the Committee on Children and Families; and Senator Sebesta

300-2051-99

1 A bill to be entitled
2 An act relating to child care; amending s.
3 110.151, F.S.; modifying duties of state
4 agencies regarding child care programs
5 sponsored by the agencies; amending s. 212.08,
6 F.S.; providing a sales tax exemption for
7 educational materials purchased by child care
8 facilities, under certain conditions; amending
9 s. 402.281, F.S.; providing for Gold Seal
10 Quality Care designation for large family child
11 care homes; amending s. 402.3015, F.S.;
12 increasing the maximum family income for
13 participation in the subsidized child care
14 program; creating s. 402.3016, F.S.; providing
15 for Early Head Start collaboration grants,
16 contingent upon specific appropriations;
17 providing duties of the Department of Children
18 and Family Services; providing for rules;
19 creating s. 402.3017, F.S.; directing the
20 department to establish health care coverage
21 for employees of certain subsidized child care
22 providers through the state employees health
23 insurance program; providing eligibility
24 requirements; providing a schedule of premium
25 participation; amending s. 402.302, F.S.;
26 defining the term "large family child care
27 home"; creating s. 402.3027, F.S.; directing
28 the department to establish a system for the
29 behavioral observation and developmental
30 assessment of young children in subsidized
31 child care programs; providing definitions;

1 providing principles and procedures; amending
2 s. 402.305, F.S.; revising minimum training
3 requirements for child care personnel;
4 providing minimum training requirements for
5 child care facility directors; providing for
6 development of minimum standards for
7 specialized child care facilities for mildly
8 ill children; amending s. 402.3051, F.S.;
9 providing for child care market rate
10 reimbursement for child care providers who hold
11 a Gold Seal Quality Care designation; amending
12 ss. 402.3055, 943.0585, 943.059, F.S.;
13 conforming cross-references; creating s.
14 402.3108, F.S.; establishing a toll-free
15 telephone line to provide consultation to child
16 care centers and family day care homes,
17 contingent upon specific appropriations;
18 providing for contracts; amending s. 402.313,
19 F.S.; revising requirements relating to the
20 training course for operators of family day
21 care homes; providing a compliance schedule;
22 creating s. 402.3131, F.S.; providing for
23 licensure of large family child care homes;
24 providing a penalty; providing requirements and
25 standards; providing duties of the department;
26 providing for screening of certain persons;
27 providing for rules; providing an effective
28 date.

29
30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsection (2) of section 110.151, Florida
2 Statutes, is amended to read:

3 110.151 State officers' and employees' child care
4 services.--

5 (2) Child care programs may be located in state-owned
6 office buildings, educational facilities and institutions,
7 custodial facilities and institutions, and, with the consent
8 of the President of the Senate and the Speaker of the House of
9 Representatives, in buildings or spaces used for legislative
10 activities. In addition, centers may be located in privately
11 owned buildings conveniently located to the place of
12 employment of those officers and employees to be served by the
13 centers. If a child care program is located in a state-owned
14 office building, educational facility or institution, or
15 custodial facility or institution, or in a privately owned
16 building leased by the state, a portion of the service
17 provider's rental fees for child care space may be waived by
18 the sponsoring agency in accordance with the rules of the
19 Department of Management Services. Additionally, the
20 sponsoring state agency may be responsible for the
21 maintenance, utilities, and other operating costs associated
22 with the ~~physical facility of the~~ child care center.

23 Section 2. Paragraph (zz) is added to subsection (5)
24 of section 212.08, Florida Statutes, 1998 Supplement, to read:

25 212.08 Sales, rental, use, consumption, distribution,
26 and storage tax; specified exemptions.--The sale at retail,
27 the rental, the use, the consumption, the distribution, and
28 the storage to be used or consumed in this state of the
29 following are hereby specifically exempt from the tax imposed
30 by this chapter.

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

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

13
14 Exemptions provided to any entity by this subsection shall not
15 inure to any transaction otherwise taxable under this chapter
16 when payment is made by a representative or employee of such
17 entity by any means, including, but not limited to, cash,
18 check, or credit card even when that representative or
19 employee is subsequently reimbursed by such entity.

20 Section 3. Section 402.26, Florida Statutes, is
21 amended to read:

22 402.26 Child care; legislative intent.--

23 (1) The Legislature recognizes the critical importance
24 to the citizens of the state of both safety and quality in
25 child care. Child care in Florida is in the midst of
26 continuing change and development, driven by extraordinary
27 changes in demographics. Many parents with children under age
28 6 are employed outside the home. For the majority of
29 Florida's children, child care will be a common experience.
30 For many families, child care is an indispensable part of the
31 effort to meet basic economic obligations or to make economic

1 gains. State policy continues to recognize the changing
2 composition of the labor force and the need to respond to the
3 concerns of Florida's citizens as they enter the child care
4 market. In particular, the Legislature recognizes the need to
5 have more working parents employed in family-friendly
6 workplaces. In addition, the Legislature recognizes the
7 abilities of public and private employers to assist the
8 family's efforts to balance family care needs with employment
9 opportunities.

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

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

29 (4) It is also the intent of the Legislature to
30 promote the development of child care options in the private
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1 sector and disseminate information that will assist the public
2 in determining appropriate child care options.

3 (5) It is the further intent of the Legislature to
4 provide and make accessible child care opportunities for
5 children at risk, economically disadvantaged children, and
6 other children traditionally disenfranchised from society. In
7 achieving this intent, the Legislature shall develop a
8 subsidized child care system, a range of child care options,
9 support services, and linkages with other programs to fully
10 meet the child care needs of this population.

11 (6) It is the intent of the Legislature that a
12 licensed or exempt child care facility that meets the
13 standards under s. 402.305 and the Gold Seal Quality Care
14 program under s. 402.281 be considered an educational
15 institution.

16 (a) Notwithstanding the provisions of s. 196.198,
17 licensed or exempt child care facilities that are considered
18 educational institutions under this section are not entitled
19 to an exemption from property taxes. Nothing provided in this
20 section shall be construed to imply that a county is obligated
21 to provide an exemption from taxation for child care centers
22 that are considered educational institutions.

23 (b) Contingent upon specific appropriations, licensed
24 or exempt child care facilities that are considered
25 educational institutions may annually apply to the department
26 for a rebate equal to the property taxes they have paid for
27 the year in which the appropriation was made available.

28 Section 4. Subsection (2) of section 402.281, Florida
29 Statutes, is amended to read:

30 402.281 Gold Seal Quality Care program.--
31

1 (2) Child care facilities, large family child care
2 homes, or family day care homes that ~~which~~ are accredited by a
3 nationally recognized accrediting association whose standards
4 substantially meet or exceed the National Association for the
5 Education of Young Children (NAEYC), the National Association
6 of Family Child Care, and the National Early Childhood Program
7 Accreditation Commission shall receive a separate "Gold Seal
8 Quality Care" designation to operate as a gold seal child care
9 facility, large family child care home, or family day care
10 home.

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

13 402.3015 Subsidized child care program; purpose; fees;
14 contracts.--

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

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

27 (b) Children at risk of welfare dependency, including
28 children of participants in the WAGES Program, children of
29 migrant farmworkers, children of teen parents, and children
30 from other families at risk of welfare dependency due to a
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1 family income of less than 100 percent of the federal poverty
2 level; ~~and~~

3 (c) Children of working families whose family income
4 is equal to or greater than 100 percent, but does not exceed
5 150 percent, of the federal poverty level; ~~and~~.

6 (d) Children of working families enrolled in the Child
7 Care Executive Partnership Program whose family income does
8 not exceed 200 percent of the federal poverty level.

9 Section 6. Section 402.3016, Florida Statutes, is
10 created to read:

11 402.3016 Early Head Start collaboration grants.--

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

20 (2) Public and private nonprofit agencies providing
21 Early Head Start programs applying for collaborative grants
22 must:

23 (a) Ensure quality performance by meeting the
24 requirements in the Head Start program performance standards
25 and other applicable rules and regulations;

26 (b) Ensure collaboration with other service providers
27 at the local level; and

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

31

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

4 (4) The department may adopt rules as necessary for
5 the award of collaboration grants to competing agencies and
6 the administration of the collaboration grants program under
7 this section.

8 Section 7. Section 402.3017, Florida Statutes, is
9 created to read:

10 402.3017 Health care coverage for center-based
11 subsidized child care providers.--

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

19 (2) A center-based provider is eligible to participate
20 if the provider:

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

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

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

30 (3) Effective January 1, 2000:
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1 (a) If the number of children served by the provider
2 meets the department's subsidized child care guidelines and at
3 least 50 percent of the licensed capacity of the provider are
4 children in the subsidized child care program, then the
5 center-based child care provider shall pay 50 percent of the
6 monthly premiums attributable to the center's participating
7 employees.

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

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

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

28 Section 8. Present subsections (8) through (15) of
29 section 402.302, Florida Statutes, 1998 Supplement, are
30 renumbered as subsections (9) through (16), respectively, and
31 a new subsection (8) is added to that section to read:

1 402.302 Definitions.--

2 (8) "Large family child care home" means an occupied
3 residence in which child care is regularly provided for
4 children from at least two unrelated families, which receives
5 a payment, fee, or grant for any of the children receiving
6 care, whether or not operated for profit, and which has at
7 least two full-time child care personnel on the premises
8 during the hours of operation. One of the two full-time child
9 care personnel must be the owner or occupant of the residence.
10 A large family child care home must first have operated as a
11 licensed family day care home for 2 years, with an operator
12 who has had a child development associate credential or its
13 equivalent for 1 year, before seeking licensure as a large
14 family child care home. A large family child care home shall
15 be allowed to provide care for one of the following groups of
16 children, which shall include those children under 12 years of
17 age who are related to the caregiver:

18 (a) A maximum of 8 children from birth to 24 months of
19 age.

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

22 Section 9. Section 402.3027, Florida Statutes, is
23 created to read:

24 402.3027 Observation and assessment of young children
25 in subsidized child care programs.--The Department of Children
26 and Family Services is directed to establish a system for the
27 behavioral observation and developmental assessment of young
28 children in subsidized child care programs, to assist in
29 determining appropriate developmental age level, the need for
30 formal developmental assessment, or the need to make referrals
31

1 for necessary early intervention programs and specialized
2 services.

3 (1) DEFINITIONS.--

4 (a) "Developmental assessment test" means a
5 standardized assessment test designed to identify normal child
6 development or developmental delays.

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

10 (c) "Developmental observation checklist" means a
11 behavioral observation instrument used to identify
12 developmental milestones.

13 (d) "Diagnostic assessments test" means a test
14 designed to identify children with specific special needs,
15 determine the nature of the problem, suggest the cause of the
16 problem, and propose remediation strategies.

17 (e) "School readiness tests" means tests designed to
18 assess a child's level of preparedness for an academic
19 program.

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

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

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

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

1 (d) Standardized assessment tests and diagnostic
2 assessments tests shall only be administered by professional
3 and trained staff.

4 (e) Testing of young children must be conducted by
5 individuals who are knowledgeable about and sensitive to the
6 developmental needs of young children and are qualified to
7 administer tests.

8 (f) Parents shall be full partners in the assessment
9 process and parent training shall be made available.

10 (3) PROCEDURES.--The department shall implement the
11 following assessment procedures for all children in a
12 subsidized child care arrangement:

13 (a) Level I assessment.--

14 1. The purpose of Level I assessment is to identify
15 and monitor normal development or possible developmental
16 delay.

17 2. All children in care who are between the ages of 1
18 year and 4 years, inclusive, shall be screened every 6 months
19 using a department-approved developmental observation
20 checklist.

21 3. The results indicated by the checklist shall be
22 reviewed by the facility's child development associate or by
23 the community child care coordinating agency.

24 4. The department shall establish procedures to
25 provide feedback to parents regarding observed development and
26 activities, including parent training, to enhance the child's
27 cognitive, psychomotor, and social skills.

28 (b) Level II assessment.--

29 1. The purpose of Level II assessment is to determine
30 whether a delay identified in a Level I assessment can be
31

1 addressed by the child care facility or family day care home
2 or whether a special service or further assessment is needed.

3 2. Level II assessment shall be conducted by trained
4 professional staff.

5 3. The department shall establish procedures to:

6 a. Develop individualized learning plans for
7 implementation by the primary caregiver.

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

10 c. Adopt and offer a program of parent training and
11 home visits.

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

20 Section 10. Paragraph (d) of subsection (2) of section
21 402.305, Florida Statutes, 1998 Supplement, is amended,
22 paragraph (f) is added to subsection (2), present subsections
23 (17) and (18) are renumbered as subsections (18) and (19),
24 respectively, and a new subsection (17) is added to that
25 section, to read:

26 402.305 Licensing standards; child care facilities.--

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

29 (d) Minimum ~~staff~~ training requirements for child care
30 personnel.

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1 1. Such minimum standards for training shall ensure
2 that all child care personnel and operators of family day care
3 homes serving at-risk children in a subsidized child care
4 program pursuant to s. 402.3015 take an approved 40-clock-hour
5 ~~30-clock-hour~~ introductory course in child care, which course
6 covers at least the following topic areas:

7 a. State and local rules and regulations which govern
8 child care.

9 b. Health, safety, and nutrition.

10 c. Identifying and reporting child abuse and neglect.

11 d. Child development, including typical and atypical
12 language, cognitive, motor, social, and self-help skills
13 development.

14 e. Observation of developmental behaviors, including
15 using a checklist or other similar observation tools and
16 techniques to determine the child's developmental age level.

17 ~~f.e.~~ Specialized areas, as determined by the
18 department, for owner-operators and child care personnel of a
19 child care facility.

20
21 Within 90 days of employment, child care personnel shall begin
22 training to meet the training requirements and shall complete
23 such training within 1 year of the date on which the training
24 began. Exemption from all or a portion of the required
25 training shall be granted to child care personnel based upon
26 educational credentials or passage of competency examinations.

27 2. The introductory course in child care shall stress,
28 to the extent possible, an interdisciplinary approach to the
29 study of children.

30 3. On an annual basis in order to further their child
31 care skills and, if appropriate, administrative skills, child

1 care personnel who have fulfilled the requirements for the
2 child care training shall be required to take an additional
3 approved 8 clock hours of inservice training or an equivalent
4 as determined by the department.

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

16 5. Training requirements shall not apply to certain
17 occasional or part-time support staff, including, but not
18 limited to, swimming instructors, piano teachers, dance
19 instructors, and gymnastics instructors.

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

1 evaluation methodology shall include a reliable and valid
2 survey of child care personnel.

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

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

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

21 Section 11. Subsection (2) of section 402.3051,
22 Florida Statutes, is amended to read:

23 402.3051 Child care market rate reimbursement; child
24 care grants.--

25 (2) The department shall establish procedures to
26 reimburse licensed, exempt, or registered child care providers
27 who hold a Gold Seal Quality Care designation at the market
28 rate for child care services for children who are eligible to
29 receive subsidized child care; and licensed, exempt, or
30 registered child care providers at the prevailing market rate
31 for child care services for children who are eligible to

1 receive subsidized child care, unless prohibited by federal
2 law under s. 402.3015. The department shall establish
3 procedures to reimburse providers of unregulated child care at
4 not more than 50 percent of the market rate. The payment
5 system may not interfere with the parents' decision as to the
6 appropriate child care arrangement, regardless of the level of
7 available funding for child care. The child care program
8 assessment tool may not be used to determine reimbursement
9 rates.

10 Section 12. Paragraphs (b), (d), and (g) of subsection
11 (2) of section 402.3055, Florida Statutes, are amended to
12 read:

13 402.3055 Child care personnel requirements.--

14 (2) EXCLUSION FROM OWNING, OPERATING, OR BEING
15 EMPLOYED BY A CHILD CARE FACILITY OR OTHER CHILD CARE PROGRAM;
16 HEARINGS PROVIDED.--

17 (b) When the department or the local licensing agency
18 has reasonable cause to believe that grounds for denial or
19 termination of employment exist, it shall notify, in writing,
20 the applicant, licensee, or other child care program and the
21 child care personnel affected, stating the specific record
22 which indicates noncompliance with the standards in s.
23 402.305(2)(~~1~~).

24 (d) When a local licensing agency is the agency
25 initiating the statement regarding noncompliance of an
26 employee with the standards contained in s. 402.305(2)(~~1~~), the
27 employee, applicant, licensee, or other child care program has
28 15 days from the time of written notification of the agency's
29 finding to make a written request for a hearing. If a request
30 for a hearing is not received in that time, the permanent
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1 employee, applicant, licensee, or other child care program is
2 presumed to accept the finding.

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

9 Section 13. Section 402.3018, Florida Statutes, is
10 created to read:

11 402.3018 Consultation to child care centers and family
12 day care homes regarding health, developmental, disability,
13 and special needs issues.--

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

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

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

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

3 (5) Each regional Warm-Line shall provide assistance
4 and consultation to child care centers and family day care
5 homes regarding health, developmental, disability, and special
6 needs issues of the children they are serving, particularly
7 children with disabilities and other special needs. Regional
8 Warm-Line staff shall provide onsite technical assistance,
9 when requested, to assist child care centers and family day
10 care homes with inquiries relative to the strategies,
11 curriculum, and environmental adaptations the child care
12 centers and family day care homes may need as they serve
13 children with disabilities and other special needs.

14 Section 14. Subsections (1) and (4) of section
15 402.313, Florida Statutes, are amended to read:

16 402.313 Family day care homes.--

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

27 (a) If not subject to license, family day care homes
28 shall register annually with the department, providing the
29 following information:

- 30 1. The name and address of the home.7
- 31 2. The name of the operator.7

- 1 3. The number of children served.7
- 2 4. Proof of a written plan to provide at least one
3 other competent adult to be available to substitute for the
4 operator in an emergency. This plan shall include the name,
5 address, and telephone number of the designated substitute.7
- 6 5. Proof of screening and background checks.7
- 7 6. Proof of completion of the 30-hour ~~3-hour~~ training
8 course, which shall include:
- 9 a. State and local rules and regulations that govern
10 child care.
- 11 b. Health, safety, and nutrition.
- 12 c. Identifying and reporting child abuse and neglect.
- 13 d. Child development, including typical and atypical
14 language development; and cognitive, motor, social, and
15 self-help skills development.
- 16 e. Observation of developmental behaviors, including
17 using a checklist or other similar observation tools and
18 techniques to determine a child's developmental level.
- 19 f. Specialized areas, as determined by the department,
20 for owner-operators of family day care homes.~~and~~
- 21 7. Proof that immunization records are kept current.
- 22 (b) The department or local licensing agency may
23 impose an administrative fine, not to exceed \$100, for failure
24 to comply with licensure or registration requirements.
- 25 (c) A family day care home not participating in the
26 subsidized child care program may volunteer to be licensed
27 under the provisions of this act.
- 28 (d) The department may provide technical assistance to
29 counties and family day care home providers to enable counties
30 and family day care providers to achieve compliance with
31 family day care homes standards.

1 (4) Operators of family day care homes shall take an
2 approved 30-clock-hour ~~3-clock-hour~~ introductory course in
3 child care. Family day care homes licensed or registered on
4 June 30, 1999, shall have until June 30, 2001, to comply with
5 this course requirement, except that the department shall
6 exempt family day care homes in this category that can
7 demonstrate that the operator has received at least 30 hours
8 of training. Family day care homes initially licensed or
9 registered on or after July 1, 1999, but before October 1,
10 1999, shall have until October 1, 1999, to comply with the
11 30-clock-hour course requirement. Family day care homes
12 initially licensed or registered on or after October 1, 1999,
13 must comply with the 30-clock-hour course requirement before
14 caring for children.

15 Section 15. Section 402.3131, Florida Statutes, is
16 created to read:

17 402.3131 Large family child care homes.--

18 (1) Large family child care homes shall be licensed
19 under this section.

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

23 (b) A licensed family day care home must first have
24 operated for a minimum of 2 consecutive years, with an
25 operator who has had a child development associate credential
26 or its equivalent for 1 year, before seeking licensure as a
27 large family child care home.

28 (c) The department may provide technical assistance to
29 counties and family day care home providers to enable the
30 counties and providers to achieve compliance with minimum
31 standards for large family child care homes.

1 (2) Child care personnel in large family child care
2 homes shall be subject to the applicable screening provisions
3 contained in ss. 402.305(2) and 402.3055. For purposes of
4 screening child care personnel in large family child care
5 homes, the term "child care personnel" includes any member of
6 a large family child care home operator's family 12 years of
7 age or older, or any person 12 years of age or older residing
8 with the operator in the large family child care home. Members
9 of the operator's family, or persons residing with the
10 operator, who are between the ages of 12 years and 18 years,
11 inclusive, shall not be required to be fingerprinted, but
12 shall be screened for delinquency records.

13 (3) Operators of large family child care homes shall
14 take an approved 40-clock-hour introductory course in group
15 child care.

16 (4) The department shall prepare a brochure on large
17 family child care homes for distribution to the general
18 public.

19 (5) The department shall, by rule, establish minimum
20 standards for large family child care homes. The standards
21 shall include, at a minimum, requirements for staffing,
22 maintenance of immunization records, minimum health standards,
23 minimum safety standards, minimum square footage, and
24 enforcement of standards.

25 (6) Prior to being licensed by the department, large
26 family child care homes must be approved by the state or local
27 fire marshal in accordance with standards established for
28 child care facilities.

29 Section 16. Paragraph (a) of subsection (4) of section
30 943.0585, Florida Statutes, 1998 Supplement, is amended to
31 read:

1 943.0585 Court-ordered expunction of criminal history
2 records.--The courts of this state have jurisdiction over
3 their own procedures, including the maintenance, expunction,
4 and correction of judicial records containing criminal history
5 information to the extent such procedures are not inconsistent
6 with the conditions, responsibilities, and duties established
7 by this section. Any court of competent jurisdiction may
8 order a criminal justice agency to expunge the criminal
9 history record of a minor or an adult who complies with the
10 requirements of this section. The court shall not order a
11 criminal justice agency to expunge a criminal history record
12 until the person seeking to expunge a criminal history record
13 has applied for and received a certificate of eligibility for
14 expunction pursuant to subsection (2). A criminal history
15 record that relates to a violation of chapter 794, s. 800.04,
16 s. 817.034, s. 827.071, chapter 839, s. 893.135, or a
17 violation enumerated in s. 907.041 may not be expunged,
18 without regard to whether adjudication was withheld, if the
19 defendant was found guilty of or pled guilty or nolo
20 contendere to the offense, or if the defendant, as a minor,
21 was found to have committed, or pled guilty or nolo contendere
22 to committing, the offense as a delinquent act. The court may
23 only order expunction of a criminal history record pertaining
24 to one arrest or one incident of alleged criminal activity,
25 except as provided in this section. The court may, at its sole
26 discretion, order the expunction of a criminal history record
27 pertaining to more than one arrest if the additional arrests
28 directly relate to the original arrest. If the court intends
29 to order the expunction of records pertaining to such
30 additional arrests, such intent must be specified in the
31 order. A criminal justice agency may not expunge any record

1 | pertaining to such additional arrests if the order to expunge
2 | does not articulate the intention of the court to expunge a
3 | record pertaining to more than one arrest. This section does
4 | not prevent the court from ordering the expunction of only a
5 | portion of a criminal history record pertaining to one arrest
6 | or one incident of alleged criminal activity. Notwithstanding
7 | any law to the contrary, a criminal justice agency may comply
8 | with laws, court orders, and official requests of other
9 | jurisdictions relating to expunction, correction, or
10 | confidential handling of criminal history records or
11 | information derived therefrom. This section does not confer
12 | any right to the expunction of any criminal history record,
13 | and any request for expunction of a criminal history record
14 | may be denied at the sole discretion of the court.

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

29 | (a) The person who is the subject of a criminal
30 | history record that is expunged under this section or under
31 | other provisions of law, including former s. 893.14, former s.

1 901.33, and former s. 943.058, may lawfully deny or fail to
2 acknowledge the arrests covered by the expunged record, except
3 when the subject of the record:

4 1. Is a candidate for employment with a criminal
5 justice agency;

6 2. Is a defendant in a criminal prosecution;

7 3. Concurrently or subsequently petitions for relief
8 under this section or s. 943.059;

9 4. Is a candidate for admission to The Florida Bar;

10 5. Is seeking to be employed or licensed by or to
11 contract with the Department of Children and Family Services
12 or the Department of Juvenile Justice or to be employed or
13 used by such contractor or licensee in a sensitive position
14 having direct contact with children, the developmentally
15 disabled, the aged, or the elderly as provided in s.
16 110.1127(3), s. 393.063(14), s. 394.4572(1), s. 397.451, s.
17 402.302(3)~~(8)~~, s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),
18 s. 415.1075(4), s. 985.407, or chapter 400; or

19 6. Is seeking to be employed or licensed by the Office
20 of Teacher Education, Certification, Staff Development, and
21 Professional Practices of the Department of Education, any
22 district school board, or any local governmental entity that
23 licenses child care facilities.

24 Section 17. Paragraph (a) of subsection (4) of section
25 943.059, Florida Statutes, 1998 Supplement, is amended to
26 read:

27 943.059 Court-ordered sealing of criminal history
28 records.--The courts of this state shall continue to have
29 jurisdiction over their own procedures, including the
30 maintenance, sealing, and correction of judicial records
31 containing criminal history information to the extent such

1 | procedures are not inconsistent with the conditions,
2 | responsibilities, and duties established by this section. Any
3 | court of competent jurisdiction may order a criminal justice
4 | agency to seal the criminal history record of a minor or an
5 | adult who complies with the requirements of this section. The
6 | court shall not order a criminal justice agency to seal a
7 | criminal history record until the person seeking to seal a
8 | criminal history record has applied for and received a
9 | certificate of eligibility for sealing pursuant to subsection
10 | (2). A criminal history record that relates to a violation of
11 | chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839,
12 | s. 893.135, or a violation enumerated in s. 907.041 may not be
13 | sealed, without regard to whether adjudication was withheld,
14 | if the defendant was found guilty of or pled guilty or nolo
15 | contendere to the offense, or if the defendant, as a minor,
16 | was found to have committed or pled guilty or nolo contendere
17 | to committing the offense as a delinquent act. The court may
18 | only order sealing of a criminal history record pertaining to
19 | one arrest or one incident of alleged criminal activity,
20 | except as provided in this section. The court may, at its sole
21 | discretion, order the sealing of a criminal history record
22 | pertaining to more than one arrest if the additional arrests
23 | directly relate to the original arrest. If the court intends
24 | to order the sealing of records pertaining to such additional
25 | arrests, such intent must be specified in the order. A
26 | criminal justice agency may not seal any record pertaining to
27 | such additional arrests if the order to seal does not
28 | articulate the intention of the court to seal records
29 | pertaining to more than one arrest. This section does not
30 | prevent the court from ordering the sealing of only a portion
31 | of a criminal history record pertaining to one arrest or one

1 incident of alleged criminal activity. Notwithstanding any law
2 to the contrary, a criminal justice agency may comply with
3 laws, court orders, and official requests of other
4 jurisdictions relating to sealing, correction, or confidential
5 handling of criminal history records or information derived
6 therefrom. This section does not confer any right to the
7 sealing of any criminal history record, and any request for
8 sealing a criminal history record may be denied at the sole
9 discretion of the court.

10 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A
11 criminal history record of a minor or an adult which is
12 ordered sealed by a court of competent jurisdiction pursuant
13 to this section is confidential and exempt from the provisions
14 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution
15 and is available only to the person who is the subject of the
16 record, to the subject's attorney, to criminal justice
17 agencies for their respective criminal justice purposes, or to
18 those entities set forth in subparagraphs (a)1., 4., 5., and
19 6. for their respective licensing and employment purposes.

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

- 25 1. Is a candidate for employment with a criminal
26 justice agency;
- 27 2. Is a defendant in a criminal prosecution;
- 28 3. Concurrently or subsequently petitions for relief
29 under this section or s. 943.0585;
- 30 4. Is a candidate for admission to The Florida Bar;

31

1 5. Is seeking to be employed or licensed by or to
2 contract with the Department of Children and Family Services
3 or the Department of Juvenile Justice or to be employed or
4 used by such contractor or licensee in a sensitive position
5 having direct contact with children, the developmentally
6 disabled, the aged, or the elderly as provided in s.
7 110.1127(3), s. 393.063(14), s. 394.4572(1), s. 397.451, s.
8 402.302(3)~~(8)~~, s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),
9 s. 415.103, s. 985.407, or chapter 400; or

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

15 Section 18. This act shall take effect July 1, 1999.

16
17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 2092

20 Adds a section to modify the duties of state agencies with
21 regard to child care programs sponsored by such agencies.

22 Clarifies that Gold Seal centers that are considered
23 educational institutions are not exempt from property taxes
but may apply for a rebate from the department of the amount
of property tax paid.

24 Standards are reduced for those seeking licensure as a large
25 family child care home. One must now operate a licensed family
child care home for 2 years and have the child development
26 associate credential for 1 year.

27 Rule making authority is added in the area of safety standards
and minimum square footage. A fire safety standard requirement
28 is added for large family child care homes.