

Amendment No. 003 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Health & Human Services Appropriations
offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Subsection (2) of section 110.151, Florida
Statutes, is amended to read:

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

(2) Child care programs may be located in state-owned
office buildings, educational facilities and institutions,
custodial facilities and institutions, and, with the consent
of the President of the Senate and the Speaker of the House of
Representatives, in buildings or spaces used for legislative
activities. In addition, centers may be located in privately
owned buildings conveniently located to the place of
employment of those officers and employees to be served by the
centers. If a child care program is located in a state-owned
office building, educational facility or institution, or

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1 custodial facility or institution, or in a privately owned
2 building leased by the state, a portion of the service
3 provider's rental fees for child care space may be waived by
4 the sponsoring agency in accordance with the rules of the
5 Department of Management Services. Additionally, the
6 sponsoring state agency may be responsible for the
7 maintenance, utilities, and other operating costs associated
8 with the ~~physical facility of the~~ child care center.

9 Section 2. Section 196.095 is created to read:

10 196.095 Exemption for a licensed child care facility
11 operating in an enterprise zone.--

12 (1) Any real estate used and owned as a child care
13 facility as defined in s. 402.302 which operates in an
14 enterprise zone pursuant to chapter 290 is exempt from
15 taxation.

16 (2) To claim an enterprise zone child care property
17 tax exemption authorized by this section, a child care
18 facility must file an application under oath with the
19 governing body or enterprise zone development agency having
20 jurisdiction over the enterprise zone where the child care
21 center is located. Within 10 working days after receipt of an
22 application, the governing body or enterprise zone development
23 agency shall review the application to determine if it
24 contains all the information required pursuant to this section
25 and meets the criteria set out in this section. The governing
26 body or agency shall certify all applications that contain the
27 information required pursuant to this section and meet the
28 criteria set out in this section as eligible to receive an ad
29 valorem tax exemption. The child care center shall be
30 responsible for forwarding all application materials to the
31 governing body or enterprise zone development agency.

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1 (3) The production by the child care facility operator
2 of a current license by the Department of Children and Family
3 Services or local licensing authority and certification by the
4 governing body or enterprise zone where the child care center
5 is located is prima facie evidence that the child care
6 facility owner is entitled to such exemptions.

7 Section 3. Paragraph (zz) is added to subsection (5)
8 of section 212.08, Florida Statutes, 1998 Supplement, to read:

9 212.08 Sales, rental, use, consumption, distribution,
10 and storage tax; specified exemptions.--The sale at retail,
11 the rental, the use, the consumption, the distribution, and
12 the storage to be used or consumed in this state of the
13 following are hereby specifically exempt from the tax imposed
14 by this chapter.

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

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

28
29 Exemptions provided to any entity by this subsection shall not
30 inure to any transaction otherwise taxable under this chapter
31 when payment is made by a representative or employee of such

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1 entity by any means, including, but not limited to, cash,
2 check, or credit card even when that representative or
3 employee is subsequently reimbursed by such entity.

4 Section 4. Section 402.26, Florida Statutes, is
5 amended to read:

6 402.26 Child care; legislative intent.--

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

25 (2) The Legislature also recognizes the effects of
26 both safety and quality in child care in reducing the need for
27 special education, public assistance, and dependency programs
28 and in reducing the incidence of delinquency and educational
29 failure. In a budgetary context that spends billions of
30 dollars to address the aftermath of bad outcomes, safe,
31 quality child care is one area in which the often maligned

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1 concept of cost-effective social intervention can be applied.
2 It is the intent of the Legislature, therefore, that state
3 policy should be firmly embedded in the recognition that child
4 care is a voluntary choice of the child's parents. For
5 parents who choose child care, it is the intent of the
6 Legislature to protect the health and welfare of children in
7 care.

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

13 (4) It is also the intent of the Legislature to
14 promote the development of child care options in the private
15 sector and disseminate information that will assist the public
16 in determining appropriate child care options.

17 (5) It is the further intent of the Legislature to
18 provide and make accessible child care opportunities for
19 children at risk, economically disadvantaged children, and
20 other children traditionally disenfranchised from society. In
21 achieving this intent, the Legislature shall develop a
22 subsidized child care system, a range of child care options,
23 support services, and linkages with other programs to fully
24 meet the child care needs of this population.

25 (6) It is the intent of the Legislature that a child
26 care facility licensed pursuant to s. 402.305 or a child care
27 facility exempt from licensing pursuant to s. 402.316, that
28 achieves Gold Seal Quality status pursuant to s. 402.281, be
29 considered an educational institution for the purpose of
30 qualifying for exemption from ad valorem tax pursuant to s.
31 196.198.

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1 Section 5. Subsection (2) of section 402.281, Florida
2 Statutes, is amended to read:

3 402.281 Gold Seal Quality Care program.--

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

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

16 402.3015 Subsidized child care program; purpose; fees;
17 contracts.--

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

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

30 (b) Children at risk of welfare dependency, including
31 children of participants in the WAGES Program, children of

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1 migrant farmworkers, children of teen parents, and children
2 from other families at risk of welfare dependency due to a
3 family income of less than 100 percent of the federal poverty
4 level; ~~and~~

5 (c) Children of working families whose family income
6 is equal to or greater than 100 percent, but does not exceed
7 150 percent, of the federal poverty level; ~~and-~~

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

11 Section 7. Section 402.3016, Florida Statutes, is
12 created to read:

13 402.3016 Early Head Start collaboration grants.--

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

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

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

28 (b) Ensure collaboration with other service providers
29 at the local level; and

30 (c) Ensure that a comprehensive array of health,
31 nutritional, and other services are provided to the program's

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1 pregnant women and very young children, and their families.

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

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

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

13 402.302 Definitions.--

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

30 (a) A maximum of 8 children from birth to 24 months of
31 age.

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

3 Section 9. Section 402.3027, Florida Statutes, is
4 created to read:

5 402.3027 Observation and assessment of young children
6 in subsidized child care programs.--The Department of Children
7 and Family Services is directed to establish a system for the
8 behavioral observation and developmental assessment of young
9 children in subsidized child care programs, to assist in
10 determining appropriate developmental age level, the need for
11 formal developmental assessment, or the need to make referrals
12 for necessary early intervention programs and specialized
13 services.

14 (1) DEFINITIONS.--

15 (a) "Developmental assessment test" means a
16 standardized assessment test designed to identify normal child
17 development or developmental delays.

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

21 (c) "Developmental observation checklist" means a
22 behavioral observation instrument used to identify
23 developmental milestones.

24 (d) "Diagnostic assessments test" means a test
25 designed to identify children with specific special needs,
26 determine the nature of the problem, suggest the cause of the
27 problem, and propose remediation strategies.

28 (e) "School readiness tests" means tests designed to
29 assess a child's level of preparedness for an academic
30 program.

31 (2) PRINCIPLES.--In the development of a system for

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1 the behavioral observation and developmental assessment of
2 young children in subsidized child care, the department shall
3 adhere to the following principles:

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

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

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

12 (d) Standardized assessment tests and diagnostic
13 assessments tests shall only be administered by professional
14 and trained staff.

15 (e) Testing of young children must be conducted by
16 individuals who are knowledgeable about and sensitive to the
17 developmental needs of young children and are qualified to
18 administer tests.

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

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

24 (a) Level I assessment.--

25 1. The purpose of Level I assessment is to identify
26 and monitor normal development or possible developmental
27 delay.

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

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

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

8 (b) Level II assessment.--

9 1. The purpose of Level II assessment is to determine
10 whether a delay identified in a Level I assessment can be
11 addressed by the child care facility or family day care home
12 or whether a special service or further assessment is needed.

13 2. Level II assessment shall be conducted by trained
14 professional staff.

15 3. The department shall establish procedures to:

16 a. Develop individualized learning plans for
17 implementation by the primary caregiver.

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

20 c. Adopt and offer a program of parent training and
21 home visits.

22 (c) Level III assessment.--When indicated by a Level
23 II assessment, the department shall establish procedures to
24 refer a child to Level III assessment providers such as
25 Florida Diagnostic and Learning Resource Services,
26 Medicaid/Early Periodic Screening, Diagnosis, and Testing
27 (EPSDT), Children's Medical Services, and other health
28 services, to determine eligibility for an early intervention
29 program.

30 Section 10. Paragraph (d) of subsection (2) of section
31 402.305, Florida Statutes, 1998 Supplement, is amended,

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1 paragraph (f) is added to subsection (2), present subsections
2 (17) and (18) are renumbered as subsections (18) and (19),
3 respectively, and a new subsection (17) is added to that
4 section, to read:

5 402.305 Licensing standards; child care facilities.--

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

8 (d) Minimum ~~staff~~ training requirements for child care
9 personnel.

10 1. Such minimum standards for training shall ensure
11 that all child care personnel and operators of family day care
12 homes serving at-risk children in a subsidized child care
13 program pursuant to s. 402.3015 take an approved 40-clock-hour
14 ~~30-clock-hour~~ introductory course in child care, which course
15 covers at least the following topic areas:

16 a. State and local rules and regulations which govern
17 child care.

18 b. Health, safety, and nutrition.

19 c. Identifying and reporting child abuse and neglect.

20 d. Child development, including typical and atypical
21 language, cognitive, motor, social, and self-help skills
22 development.

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

26 f.e. Specialized areas, as determined by the
27 department, for owner-operators and child care personnel of a
28 child care facility.

29
30 Within 90 days of employment, child care personnel shall begin
31 training to meet the training requirements and shall complete

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1 such training within 1 year of the date on which the training
2 began. Exemption from all or a portion of the required
3 training shall be granted to child care personnel based upon
4 educational credentials or passage of competency examinations.

5 2. The introductory course in child care shall stress,
6 to the extent possible, an interdisciplinary approach to the
7 study of children.

8 3. On an annual basis in order to further their child
9 care skills and, if appropriate, administrative skills, child
10 care personnel who have fulfilled the requirements for the
11 child care training shall be required to take an additional
12 approved 8 clock hours of inservice training or an equivalent
13 as determined by the department.

14 4. Procedures for ensuring the training of qualified
15 child care professionals to provide training of child care
16 personnel, including onsite training, shall be included in the
17 minimum standards. It is recommended that the state community
18 child care coordination agencies (central agencies) be
19 contracted by the department to coordinate such training when
20 possible. Other district educational resources, such as
21 community colleges and vocational-technical programs, can be
22 designated in such areas where central agencies may not exist
23 or are determined not to have the capability to meet the
24 coordination requirements set forth by the department.

25 5. Training requirements shall not apply to certain
26 occasional or part-time support staff, including, but not
27 limited to, swimming instructors, piano teachers, dance
28 instructors, and gymnastics instructors.

29 6. The State Coordinating Council for Early Childhood
30 Services, in coordination with the department, shall evaluate
31 or contract for an evaluation for the general purpose of

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1 determining the status of and means to improve staff training
2 requirements and testing procedures. The evaluation shall be
3 completed by October 1, 1992, and conducted every 2 years
4 thereafter. The evaluation shall include, but not be limited
5 to, determining the availability, quality, scope, and sources
6 of current staff training; determining the need for specialty
7 training; and determining ways to increase inservice training
8 and ways to increase the accessibility, quality, and
9 cost-effectiveness of current and proposed staff training. The
10 evaluation methodology shall include a reliable and valid
11 survey of child care personnel.

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

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

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

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

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1 402.3051 Child care market rate reimbursement; child
2 care grants.--

3 (2) The department shall establish procedures to
4 reimburse licensed, exempt, or registered child care providers
5 who hold a Gold Seal Quality Care designation at the market
6 rate for child care services for children who are eligible to
7 receive subsidized child care; and licensed, exempt, or
8 registered child care providers at the prevailing market rate
9 for child care services for children who are eligible to
10 receive subsidized child care, unless prohibited by federal
11 law under s. 402.3015. The department shall establish
12 procedures to reimburse providers of unregulated child care at
13 not more than 50 percent of the market rate. The payment
14 system may not interfere with the parents' decision as to the
15 appropriate child care arrangement, regardless of the level of
16 available funding for child care. The child care program
17 assessment tool may not be used to determine reimbursement
18 rates.

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

22 402.3055 Child care personnel requirements.--

23 (2) EXCLUSION FROM OWNING, OPERATING, OR BEING
24 EMPLOYED BY A CHILD CARE FACILITY OR OTHER CHILD CARE PROGRAM;
25 HEARINGS PROVIDED.--

26 (b) When the department or the local licensing agency
27 has reasonable cause to believe that grounds for denial or
28 termination of employment exist, it shall notify, in writing,
29 the applicant, licensee, or other child care program and the
30 child care personnel affected, stating the specific record
31 which indicates noncompliance with the standards in s.

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1 402.305(2)(~~1~~).

2 (d) When a local licensing agency is the agency
3 initiating the statement regarding noncompliance of an
4 employee with the standards contained in s. 402.305(2)(~~1~~), the
5 employee, applicant, licensee, or other child care program has
6 15 days from the time of written notification of the agency's
7 finding to make a written request for a hearing. If a request
8 for a hearing is not received in that time, the permanent
9 employee, applicant, licensee, or other child care program is
10 presumed to accept the finding.

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

17 Section 13. Section 402.3018, Florida Statutes, is
18 created to read:

19 402.3018 Consultation to child care centers and family
20 day care homes regarding health, developmental, disability,
21 and special needs issues.--

22 (1) Contingent upon specific appropriations, the
23 department is directed to contract with the statewide resource
24 information and referral agency for a statewide toll-free
25 Warm-Line for the purpose of providing assistance and
26 consultation to child care centers and family day care homes
27 regarding health, developmental, disability, and special needs
28 issues of the children they are serving, particularly children
29 with disabilities and other special needs.

30 (2) The purpose of the Warm-Line is to provide advice
31 to child care personnel concerning strategies, curriculum, and

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1 environmental adaptations that allow a child to derive maximum
2 benefit from the child care experience.

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

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

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

21 Section 14. Subsections (1) and (4) of section
22 402.313, Florida Statutes, are amended to read:

23 402.313 Family day care homes.--

24 (1) Family day care homes shall be licensed under this
25 act if they are presently being licensed under an existing
26 county licensing ordinance, if they are participating in the
27 subsidized child care program, or if the board of county
28 commissioners passes a resolution that family day care homes
29 be licensed. If no county authority exists for the licensing
30 of a family day care home, the department shall have the
31 authority to license family day care homes under contract for

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1 the purchase-of-service system in the subsidized child care
2 program.

3 (a) If not subject to license, family day care homes
4 shall register annually with the department, providing the
5 following information:

6 1. The name and address of the home.7

7 2. The name of the operator.7

8 3. The number of children served.7

9 4. Proof of a written plan to provide at least one
10 other competent adult to be available to substitute for the
11 operator in an emergency. This plan shall include the name,
12 address, and telephone number of the designated substitute.7

13 5. Proof of screening and background checks.7

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

16 a. State and local rules and regulations that govern
17 child care.

18 b. Health, safety, and nutrition.

19 c. Identifying and reporting child abuse and neglect.

20 d. Child development, including typical and atypical
21 language development; and cognitive, motor, social, and
22 self-help skills development.

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

26 f. Specialized areas, as determined by the department,
27 for owner-operators of family day care homes.~~and~~

28 7. Proof that immunization records are kept current.

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

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

4 (d) The department may provide technical assistance to
5 counties and family day care home providers to enable counties
6 and family day care providers to achieve compliance with
7 family day care homes standards.

8 (4) Operators of family day care homes shall take an
9 approved 30-clock-hour ~~3-clock-hour~~ introductory course in
10 child care. Family day care homes licensed or registered on
11 June 30, 1999, shall have until June 30, 2001, to comply with
12 this course requirement, except that the department shall
13 exempt family day care homes in this category that can
14 demonstrate that the operator has received at least 30 hours
15 of training. Family day care homes initially licensed or
16 registered on or after July 1, 1999, but before October 1,
17 1999, shall have until October 1, 1999, to comply with the
18 30-clock-hour course requirement. Family day care homes
19 initially licensed or registered on or after October 1, 1999,
20 must comply with the 30-clock-hour course requirement before
21 caring for children.

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

24 402.3131 Large family child care homes.--

25 (1) Large family child care homes shall be licensed
26 under this section.

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

30 (b) A licensed family day care home must first have
31 operated for a minimum of 2 consecutive years, with an

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1 operator who has had a child development associate credential
2 or its equivalent for 1 year, before seeking licensure as a
3 large family child care home.

4 (c) The department may provide technical assistance to
5 counties and family day care home providers to enable the
6 counties and providers to achieve compliance with minimum
7 standards for large family child care homes.

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

20 (3) Operators of large family child care homes shall
21 take an approved 40-clock-hour introductory course in group
22 child care.

23 (4) The department shall prepare a brochure on large
24 family child care homes for distribution to the general
25 public.

26 (5) The department shall, by rule, establish minimum
27 standards for large family child care homes. The standards
28 shall include, at a minimum, requirements for staffing,
29 maintenance of immunization records, minimum health standards,
30 minimum safety standards, minimum square footage, and
31 enforcement of standards.

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

5 Section 16. Paragraph (a) of subsection (4) of section
6 943.0585, Florida Statutes, 1998 Supplement, is amended to
7 read:

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

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1 except as provided in this section. The court may, at its sole
2 discretion, order the expunction of a criminal history record
3 pertaining to more than one arrest if the additional arrests
4 directly relate to the original arrest. If the court intends
5 to order the expunction of records pertaining to such
6 additional arrests, such intent must be specified in the
7 order. A criminal justice agency may not expunge any record
8 pertaining to such additional arrests if the order to expunge
9 does not articulate the intention of the court to expunge a
10 record pertaining to more than one arrest. This section does
11 not prevent the court from ordering the expunction of only a
12 portion of a criminal history record pertaining to one arrest
13 or one incident of alleged criminal activity. Notwithstanding
14 any law to the contrary, a criminal justice agency may comply
15 with laws, court orders, and official requests of other
16 jurisdictions relating to expunction, correction, or
17 confidential handling of criminal history records or
18 information derived therefrom. This section does not confer
19 any right to the expunction of any criminal history record,
20 and any request for expunction of a criminal history record
21 may be denied at the sole discretion of the court.

22 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
23 criminal history record of a minor or an adult which is
24 ordered expunged by a court of competent jurisdiction pursuant
25 to this section must be physically destroyed or obliterated by
26 any criminal justice agency having custody of such record;
27 except that any criminal history record in the custody of the
28 department must be retained in all cases. A criminal history
29 record ordered expunged that is retained by the department is
30 confidential and exempt from the provisions of s. 119.07(1)
31 and s. 24(a), Art. I of the State Constitution and not

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1 available to any person or entity except upon order of a court
2 of competent jurisdiction. A criminal justice agency may
3 retain a notation indicating compliance with an order to
4 expunge.

5 (a) The person who is the subject of a criminal
6 history record that is expunged under this section or under
7 other provisions of law, including former s. 893.14, former s.
8 901.33, and former s. 943.058, may lawfully deny or fail to
9 acknowledge the arrests covered by the expunged record, except
10 when the subject of the record:

11 1. Is a candidate for employment with a criminal
12 justice agency;

13 2. Is a defendant in a criminal prosecution;

14 3. Concurrently or subsequently petitions for relief
15 under this section or s. 943.059;

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

17 5. Is seeking to be employed or licensed by or to
18 contract with the Department of Children and Family Services
19 or the Department of Juvenile Justice or to be employed or
20 used by such contractor or licensee in a sensitive position
21 having direct contact with children, the developmentally
22 disabled, the aged, or the elderly as provided in s.

23 110.1127(3), s. 393.063(14), s. 394.4572(1), s. 397.451, s.
24 402.302(3)~~(8)~~, s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),
25 s. 415.1075(4), s. 985.407, or chapter 400; or

26 6. Is seeking to be employed or licensed by the Office
27 of Teacher Education, Certification, Staff Development, and
28 Professional Practices of the Department of Education, any
29 district school board, or any local governmental entity that
30 licenses child care facilities.

31 Section 17. Paragraph (a) of subsection (4) of section

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1 943.059, Florida Statutes, 1998 Supplement, is amended to
2 read:

3 943.059 Court-ordered sealing of criminal history
4 records.--The courts of this state shall continue to have
5 jurisdiction over their own procedures, including the
6 maintenance, sealing, and correction of judicial records
7 containing criminal history information to the extent such
8 procedures are not inconsistent with the conditions,
9 responsibilities, and duties established by this section. Any
10 court of competent jurisdiction may order a criminal justice
11 agency to seal the criminal history record of a minor or an
12 adult who complies with the requirements of this section. The
13 court shall not order a criminal justice agency to seal a
14 criminal history record until the person seeking to seal a
15 criminal history record has applied for and received a
16 certificate of eligibility for sealing pursuant to subsection
17 (2). A criminal history record that relates to a violation of
18 chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839,
19 s. 893.135, or a violation enumerated in s. 907.041 may not be
20 sealed, without regard to whether adjudication was withheld,
21 if the defendant was found guilty of or pled guilty or nolo
22 contendere to the offense, or if the defendant, as a minor,
23 was found to have committed or pled guilty or nolo contendere
24 to committing the offense as a delinquent act. The court may
25 only order sealing of a criminal history record pertaining to
26 one arrest or one incident of alleged criminal activity,
27 except as provided in this section. The court may, at its sole
28 discretion, order the sealing of a criminal history record
29 pertaining to more than one arrest if the additional arrests
30 directly relate to the original arrest. If the court intends
31 to order the sealing of records pertaining to such additional

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

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

27 (a) The subject of a criminal history record sealed
28 under this section or under other provisions of law, including
29 former s. 893.14, former s. 901.33, and former s. 943.058, may
30 lawfully deny or fail to acknowledge the arrests covered by
31 the sealed record, except when the subject of the record:

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- 1 1. Is a candidate for employment with a criminal
2 justice agency;
3 2. Is a defendant in a criminal prosecution;
4 3. Concurrently or subsequently petitions for relief
5 under this section or s. 943.0585;
6 4. Is a candidate for admission to The Florida Bar;
7 5. Is seeking to be employed or licensed by or to
8 contract with the Department of Children and Family Services
9 or the Department of Juvenile Justice or to be employed or
10 used by such contractor or licensee in a sensitive position
11 having direct contact with children, the developmentally
12 disabled, the aged, or the elderly as provided in s.
13 110.1127(3), s. 393.063(14), s. 394.4572(1), s. 397.451, s.
14 402.302(3)~~(8)~~, s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),
15 s. 415.103, s. 985.407, or chapter 400; or
16 6. Is seeking to be employed or licensed by the Office
17 of Teacher Education, Certification, Staff Development, and
18 Professional Practices of the Department of Education, any
19 district school board, or any local governmental entity which
20 licenses child care facilities.

21 Section 18. The Department of Insurance shall conduct
22 a study and report to the President of the Senate, the Speaker
23 of the House of Representatives, and the appropriate
24 substantive and fiscal committees of the Senate and the House
25 of Representatives, by January 31, 2000, regarding how to make
26 affordable health insurance available to the staff of child
27 care providers. The study shall include consideration of a
28 program for providing medical savings accounts.

29 Section 19. This act shall take effect July 1, 1999.
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 remove from the title of the bill: the entire title

4

5 and insert in lieu thereof:

6

A bill to be entitled

7

An act relating to child care; amending s.

8

110.151, F.S.; modifying duties of state

9

agencies regarding child care programs

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sponsored by the agencies; creating s. 196.095,

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F.S.; providing for a tax exemption for real

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estate used and owned by a child care facility

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operating in an enterprise zone; providing

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procedures for application for the tax

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exemption; amending s. 212.08, F.S.; providing

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a sales tax exemption for educational materials

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purchased by child care facilities, under

18

certain conditions; amending s. 402.26, F.S.;

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providing legislative intent that certain

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licensed child care facilities be considered an

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educational institution for the purpose of

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qualifying for exemption from ad valorem

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taxation; amending s. 402.281, F.S.; providing

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for Gold Seal Quality Care designation for

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large family child care homes; amending s.

26

402.3015, F.S.; increasing the maximum family

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income for participation in the subsidized

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child care program; creating s. 402.3016, F.S.;

29

providing for Early Head Start collaboration

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grants, contingent upon specific

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appropriations; providing duties of the

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1 Department of Children and Family Services;
2 providing for rules; amending s. 402.302, F.S.;
3 defining the term "large family child care
4 home"; creating s. 402.3027, F.S.; directing
5 the department to establish a system for the
6 behavioral observation and developmental
7 assessment of young children in subsidized
8 child care programs; providing definitions;
9 providing principles and procedures; amending
10 s. 402.305, F.S.; revising minimum training
11 requirements for child care personnel;
12 providing minimum training requirements for
13 child care facility directors; providing for
14 development of minimum standards for
15 specialized child care facilities for mildly
16 ill children; amending s. 402.3051, F.S.;
17 providing for child care market rate
18 reimbursement for child care providers who hold
19 a Gold Seal Quality Care designation; amending
20 ss. 402.3055, 943.0585, 943.059, F.S.;
21 conforming cross-references; creating s.
22 402.3108, F.S.; establishing a toll-free
23 telephone line to provide consultation to child
24 care centers and family day care homes,
25 contingent upon specific appropriations;
26 providing for contracts; amending s. 402.313,
27 F.S.; revising requirements relating to the
28 training course for operators of family day
29 care homes; providing a compliance schedule;
30 creating s. 402.3131, F.S.; providing for
31 licensure of large family child care homes;

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1 providing a penalty; providing requirements and
2 standards; providing duties of the department;
3 providing for screening of certain persons;
4 providing for rules; requiring the Department
5 of Insurance to conduct a study on health
6 insurance for child care provider staff;
7 requiring a report; providing an effective
8 date.
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