

Bill No. HB 869, 1st Eng.

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Sebesta moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15

16 and insert:

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

19 110.151 State officers' and employees' child care  
20 services.--

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

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

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

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

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

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

29  
30 Exemptions provided to any entity by this subsection shall not  
31 inure to any transaction otherwise taxable under this chapter

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

5 Section 3. Section 402.26, Florida Statutes, is  
6 amended to read:

7 402.26 Child care; legislative intent.--

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

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

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

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

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

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

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

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1 196.012(5).

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

4 402.281 Gold Seal Quality Care program.--

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

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

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

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

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

31 (b) Children at risk of welfare dependency, including

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

6 (c) Children of working families whose family income  
7 is equal to or greater than 100 percent, but does not exceed  
8 150 percent, of the federal poverty level; ~~and-~~

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

12 Section 6. Section 402.3016, Florida Statutes, is  
13 created to read:

14 402.3016 Early Head Start collaboration grants.--

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

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

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

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

31 (c) Ensure that a comprehensive array of health,

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1 nutritional, and other services are provided to the program's  
2 pregnant women and very young children, and their families.

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

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

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

14 402.302 Definitions.--

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

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

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1 age.

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

4 Section 8. Section 402.3027, Florida Statutes, is  
5 created to read:

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

15 (1) DEFINITIONS.--

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

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

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

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

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



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

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

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

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

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

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

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

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

25           (a) Level I assessment.--

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

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

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1 checklist.

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

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

9 (b) Level II assessment.--

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

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

16 3. The department shall establish procedures to:

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

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

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

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

31 Section 9. Paragraph (d) of subsection (2) of section

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1 402.305, Florida Statutes, 1998 Supplement, is amended,  
2 paragraph (f) is added to subsection (2), present subsections  
3 (17) and (18) are renumbered as subsections (18) and (19),  
4 respectively, and a new subsection (17) is added to that  
5 section, to read:

6 402.305 Licensing standards; child care facilities.--

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

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

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

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

19 b. Health, safety, and nutrition.

20 c. Identifying and reporting child abuse and neglect.

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

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

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

30

31 Within 90 days of employment, child care personnel shall begin

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

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

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

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

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

30           6. The State Coordinating Council for Early Childhood  
31 Services, in coordination with the department, shall evaluate

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

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

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

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

31 Section 10. Subsection (2) of section 402.3051,

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1 Florida Statutes, is amended to read:

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

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

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

23 402.3055 Child care personnel requirements.--

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

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

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1 which indicates noncompliance with the standards in s.  
2 402.305(2)(1).

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

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

18 Section 12. Section 402.3018, Florida Statutes, is  
19 created to read:

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

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

31 (2) The purpose of the Warm-Line is to provide advice

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1 to child care personnel concerning strategies, curriculum, and  
2 environmental adaptations that allow a child to derive maximum  
3 benefit from the child care experience.

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

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

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

22 Section 13. Subsections (1) and (4) of section  
23 402.313, Florida Statutes, are amended to read:

24 402.313 Family day care homes.--

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



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1 authority to license family day care homes under contract for  
2 the purchase-of-service system in the subsidized child care  
3 program.

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

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

8 2. The name of the operator.7

9 3. The number of children served.7

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

14 5. Proof of screening and background checks.7

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

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

19 b. Health, safety, and nutrition.

20 c. Identifying and reporting child abuse and neglect.

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

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

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

29 7. Proof that immunization records are kept current.

30 (b) The department or local licensing agency may  
31 impose an administrative fine, not to exceed \$100, for failure

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1 to comply with licensure or registration requirements.

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

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

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

23 Section 14. Section 402.3131, Florida Statutes, is  
24 created to read:

25 402.3131 Large family child care homes.--

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

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

31 (b) A licensed family day care home must first have

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1 operated for a minimum of 2 consecutive years, with an  
2 operator who has had a child development associate credential  
3 or its equivalent for 1 year, before seeking licensure as a  
4 large family child care home.

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

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

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

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

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

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1 enforcement of standards.

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

6 Section 15. Paragraph (a) of subsection (4) of section  
7 943.0585, Florida Statutes, 1998 Supplement, is amended to  
8 read:

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

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

23 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any  
24 criminal history record of a minor or an adult which is  
25 ordered expunged by a court of competent jurisdiction pursuant  
26 to this section must be physically destroyed or obliterated by  
27 any criminal justice agency having custody of such record;  
28 except that any criminal history record in the custody of the  
29 department must be retained in all cases. A criminal history  
30 record ordered expunged that is retained by the department is  
31 confidential and exempt from the provisions of s. 119.07(1)

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1 and s. 24(a), Art. I of the State Constitution and not  
2 available to any person or entity except upon order of a court  
3 of competent jurisdiction. A criminal justice agency may  
4 retain a notation indicating compliance with an order to  
5 expunge.

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

- 12 1. Is a candidate for employment with a criminal  
13 justice agency;
- 14 2. Is a defendant in a criminal prosecution;
- 15 3. Concurrently or subsequently petitions for relief  
16 under this section or s. 943.059;
- 17 4. Is a candidate for admission to The Florida Bar;
- 18 5. Is seeking to be employed or licensed by or to  
19 contract with the Department of Children and Family Services  
20 or the Department of Juvenile Justice or to be employed or  
21 used by such contractor or licensee in a sensitive position  
22 having direct contact with children, the developmentally  
23 disabled, the aged, or the elderly as provided in s.  
24 110.1127(3), s. 393.063(14), s. 394.4572(1), s. 397.451, s.  
25 402.302(3)~~(8)~~, s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),  
26 s. 415.1075(4), s. 985.407, or chapter 400; or
- 27 6. Is seeking to be employed or licensed by the Office  
28 of Teacher Education, Certification, Staff Development, and  
29 Professional Practices of the Department of Education, any  
30 district school board, or any local governmental entity that  
31 licenses child care facilities.

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1           Section 16. Paragraph (a) of subsection (4) of section  
2 943.059, Florida Statutes, 1998 Supplement, is amended to  
3 read:

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

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

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

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



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1 the sealed record, except when the subject of the record:

2 1. Is a candidate for employment with a criminal  
3 justice agency;

4 2. Is a defendant in a criminal prosecution;

5 3. Concurrently or subsequently petitions for relief  
6 under this section or s. 943.0585;

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

8 5. Is seeking to be employed or licensed by or to  
9 contract with the Department of Children and Family Services  
10 or the Department of Juvenile Justice or to be employed or  
11 used by such contractor or licensee in a sensitive position  
12 having direct contact with children, the developmentally  
13 disabled, the aged, or the elderly as provided in s.  
14 110.1127(3), s. 393.063(14), s. 394.4572(1), s. 397.451, s.  
15 402.302(3)~~(8)~~, s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),  
16 s. 415.103, s. 985.407, or chapter 400; or

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

22 Section 17. The Department of Insurance shall conduct  
23 a study and report to the President of the Senate, the Speaker  
24 of the House of Representatives, and the appropriate  
25 substantive and fiscal committees of the Senate and House of  
26 Representatives by January 31, 2000, regarding how to make  
27 affordable health insurance available to the staff of child  
28 care providers. The study shall include consideration of a  
29 program for providing medical savings accounts.

30 Section 18. 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         Delete everything before the enacting clause

4

5 and insert:

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

10        sponsored by the agencies; amending s. 212.08,

11        F.S.; providing a sales tax exemption for

12        educational materials purchased by child care

13        facilities, under certain conditions; amending

14        s. 402.281, F.S.; providing for Gold Seal

15        Quality Care designation for large family child

16        care homes; amending s. 402.3015, F.S.;

17        increasing the maximum family income for

18        participation in the subsidized child care

19        program; creating s. 402.3016, F.S.; providing

20        for Early Head Start collaboration grants,

21        contingent upon specific appropriations;

22        providing duties of the Department of Children

23        and Family Services; providing for rules;

24        amending s. 402.302, F.S.; defining the term

25        "large family child care home"; creating s.

26        402.3027, F.S.; directing the department to

27        establish a system for the behavioral

28        observation and developmental assessment of

29        young children in subsidized child care

30        programs; providing definitions; providing

31        principles and procedures; amending s. 402.305,

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

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29  
30  
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