

By the Committee on Children & Families and Representative
Murman

1 A bill to be entitled
2 An act relating to child care; amending s.
3 212.08, F.S.; providing a sales tax exemption
4 for educational materials purchased by child
5 care facilities, under certain conditions;
6 creating s. 240.3821, F.S.; providing for
7 establishment of Institutes of Excellence in
8 Infant and Toddler Development, subject to
9 available appropriations; providing functions;
10 amending s. 402.281, F.S.; providing for Gold
11 Seal Quality Care designation for family group
12 day care homes; amending s. 402.3015, F.S.;
13 increasing the maximum family income for
14 participation in the subsidized child care
15 program; creating s. 402.3016, F.S.; providing
16 for Early Head Start collaboration grants,
17 contingent upon specific appropriations;
18 providing duties of the Department of Children
19 and Family Services; providing for rules;
20 creating s. 402.3017, F.S.; directing the
21 department to establish health care coverage
22 for employees of certain subsidized child care
23 providers through the state employees health
24 insurance program; providing eligibility
25 requirements; providing a schedule of premium
26 participation; amending s. 402.302, F.S.;
27 defining "family group day care home"; creating
28 s. 402.3027, F.S.; directing the department to
29 establish a system for the behavioral
30 observation and developmental assessment of
31 young children in subsidized child care

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

29
30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Paragraph (zz) is added to subsection (5)
2 of section 212.08, Florida Statutes, 1998 Supplement, to read:

3 212.08 Sales, rental, use, consumption, distribution,
4 and storage tax; specified exemptions.--The sale at retail,
5 the rental, the use, the consumption, the distribution, and
6 the storage to be used or consumed in this state of the
7 following are hereby specifically exempt from the tax imposed
8 by this chapter.

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

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

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

29 Section 2. Section 240.3821, Florida Statutes, is
30 created to read:

31

1 240.3821 Institutes of Excellence in Infant and
2 Toddler Development.--

3 (1) Subject to availability of appropriations,
4 Institutes of Excellence in Infant and Toddler Development
5 shall be established, consistent with legislative initiatives
6 relating to school readiness, to address specific concerns
7 regarding children ages birth to 3 years. The institutes shall
8 link directly to other efforts in the community to support
9 children ages birth to 3 years, including Early Head Start,
10 Healthy Start, and Healthy Families, and Caring for Kids.
11 Legislative funding shall enable each institute to serve as a
12 focal point in the community for the development of
13 professional child care providers and for the enhancement of
14 knowledge on the part of providers, related professionals, and
15 parents, regarding the development of children from birth to 3
16 years and preschool.

17 (2) Specific functions of each institute shall be:

18 (a) Outreach efforts, which shall include support for
19 professionals certified as infant and toddler mentors who
20 shall go into the community and provide services to child care
21 providers and parents; and the development and preparation of
22 marketing and outreach materials for mentors, parents, and
23 child care and related professionals.

24 (b) Development and implementation of observation and
25 demonstration sites. Such sites shall be used:

26 1. By the community, including other child care
27 providers, training providers, and parents, for observations
28 of a model quality child care environment. Businesses
29 interested in establishing in-house child care services shall
30 be especially targeted by the institutes.

31

1 2. By related providers, to provide quality health
2 care services, including critical screening for auditory,
3 visual, and other physical impairments that can impede healthy
4 brain development.

5 3. As sites to implement efforts that identify early
6 language acquisition difficulties in infants and toddlers, and
7 that target interventions for improving early language
8 development.

9 (c) Development and implementation of specialized
10 training courses and programs in the area of infant and
11 toddler development for the period from birth to 3 years. Such
12 training shall include articulation mechanisms to ensure and
13 promote career ladders within the educational institution and
14 among other institutions. Such training shall be provided for
15 a wide range of existing and potential child care workers,
16 including persons who are economically disadvantaged. Such
17 training shall also be established as a mechanism to increase
18 the professional stature of persons working in the child care
19 field and provide leadership development for directors of
20 child care centers. Coordinated development and implementation
21 of distance learning instruction to provide continuing
22 education for family providers and parents in their homes, or
23 at centrally available sites such as public libraries, shall
24 be included in this training.

25 (3) Initial designation of Institutes of Excellence in
26 Infant and Toddler Development shall be provided by the
27 Legislature, through the General Appropriations Act.

28 (4) Institutes of Excellence in Infant and Toddler
29 Development shall submit to the School Readiness State
30 Governing Board evaluations of progress made pursuant to this
31 section. Evaluations shall indicate the numbers of persons

1 receiving services, the number of children evaluated and
2 served, and other measures of performance as approved by the
3 local readiness council.

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

6 402.281 Gold Seal Quality Care program.--

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

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

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

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

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

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

7 (c) Children of working families whose family income
8 is equal to or greater than 100 percent, but does not exceed
9 200 ~~150~~ percent, of the federal poverty level.

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

12 402.3016 Early Head Start collaboration grants.--

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

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

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

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

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

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

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

8 Section 6. Section 402.3017, Florida Statutes, is
9 created to read:

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

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

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

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

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

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

30 (3) Effective January 1, 2000:
31

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

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

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

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

28 Section 7. Subsections (8) through (15) of section
29 402.302, Florida Statutes, 1998 Supplement, are renumbered as
30 subsections (9) through (16), respectively, and a new
31 subsection (8) is added to said section to read:

1 402.302 Definitions.--
2 (8) "Family group day care home" means an occupied
3 residence in which child care is regularly provided for
4 children from at least two unrelated families, which receives
5 a payment, fee, or grant for any of the children receiving
6 care, whether or not operated for profit, and which has at
7 least two full-time child care personnel on the premises
8 during the hours of operation. One of the two full-time child
9 care personnel must be the owner or occupant of the residence.
10 A family group day care home must first operate as a licensed
11 family day care home, with an operator who has a child
12 development associate credential or equivalent, for a minimum
13 of 3 consecutive years before seeking licensure as a family
14 group day care home. A family group day care home shall be
15 allowed to provide care for one of the following groups of
16 children, which shall include those children under 12 years of
17 age who are related to the caregiver:

18 (a) A maximum of 8 children from birth to 12 months of
19 age.

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

22 Section 8. Section 402.3027, Florida Statutes, is
23 created to read:

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

1 for necessary early intervention programs and specialized
2 services.

3 (1) DEFINITIONS.--

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (a) Level I assessment.--

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

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

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

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

28 (b) Level II assessment.--

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

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

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

5 3. The department shall establish procedures to:

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

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

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

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

20 Section 9. Paragraph (d) of subsection (2) of section
21 402.305, Florida Statutes, 1998 Supplement, is amended,
22 paragraph (f) is added to subsection (2), subsections (17) and
23 (18) are renumbered as subsections (18) and (19),
24 respectively, and a new subsection (17) is added to said
25 section, to read:

26 402.305 Licensing standards; child care facilities.--

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

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

31

1 1. Such minimum standards for training shall ensure
2 that all child care personnel and operators of family day care
3 homes serving at-risk children in a subsidized child care
4 program pursuant to s. 402.3015 take an approved 40-clock-hour
5 ~~30-clock-hour~~ introductory course in child care, which course
6 covers at least the following topic areas:
7 a. State and local rules and regulations which govern
8 child care.
9 b. Health, safety, and nutrition.
10 c. Identifying and reporting child abuse and neglect.
11 d. Child development, including typical and atypical
12 language, cognitive, motor, social, and self-help skills
13 development.
14 e. Observation of developmental behaviors, including
15 using a checklist or other similar observation tools and
16 techniques to determine the child's developmental age level.
17 ~~f.e.~~ Specialized areas, as determined by the
18 department, for owner-operators and child care personnel of a
19 child care facility.
20
21 Within 90 days of employment, child care personnel shall begin
22 training to meet the training requirements and shall complete
23 such training within 1 year of the date on which the training
24 began. Exemption from all or a portion of the required
25 training shall be granted to child care personnel based upon
26 educational credentials or passage of competency examinations.
27 2. The introductory course in child care shall stress,
28 to the extent possible, an interdisciplinary approach to the
29 study of children.
30 3. On an annual basis in order to further their child
31 care skills and, if appropriate, administrative skills, child

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

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

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

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

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

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

7 (f) Minimum training requirements for child care
8 facility directors. Such minimum standards for training shall
9 ensure that all child care facility directors take an approved
10 80-clock-hour introductory course covering at least the
11 following topic areas:

12 1. State and local rules and regulations which govern
13 child care.

14 2. Health, safety, and nutrition.

15 3. Child development and the application of this
16 knowledge in practice.

17 4. Planning and implementing a developmentally
18 appropriate curriculum that advances all areas of children's
19 learning and development, including social, emotional,
20 intellectual, and physical competence.

21 5. Establishing supportive relationships with children
22 and implementing developmentally appropriate techniques of
23 guidance and group management.

24 6. Establishing and maintaining positive and
25 productive relationships with families.

26 7. An understanding of the early childhood profession
27 and professionalism.

28 (17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF
29 MILDLY ILL CHILDREN.--Minimum standards shall be developed by
30 the department, in conjunction with the Department of Health,
31 for specialized child care facilities for the care of mildly

1 ill children. The minimum standards shall address the
2 following areas: personnel requirements; staff-to-child
3 ratios; staff training and credentials; health and safety;
4 physical facility requirements, including square footage;
5 client eligibility, including a definition of "mildly ill
6 children"; sanitation and safety; admission and recordkeeping;
7 dispensing of medication; and a schedule of activities.

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

10 402.3051 Child care market rate reimbursement; child
11 care grants.--

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

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

31 402.3055 Child care personnel requirements.--

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

4 (b) When the department or the local licensing agency
5 has reasonable cause to believe that grounds for denial or
6 termination of employment exist, it shall notify, in writing,
7 the applicant, licensee, or other child care program and the
8 child care personnel affected, stating the specific record
9 which indicates noncompliance with the standards in s.
10 402.305(2)~~(1)~~.

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

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

26 Section 12. Section 402.3018, Florida Statutes, is
27 created to read:

28 402.3018 Consultation to child care centers and family
29 day care homes regarding health, developmental, disability,
30 and special needs issues.--

31

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

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

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

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

20 (5) Each regional Warm-Line shall provide assistance
21 and consultation to child care centers and family day care
22 homes regarding health, developmental, disability, and special
23 needs issues of the children they are serving, particularly
24 children with disabilities and other special needs. Regional
25 Warm-Line staff shall provide onsite technical assistance,
26 when requested, to assist child care centers and family day
27 care homes with inquiries relative to the strategies,
28 curriculum, and environmental adaptations the child care
29 centers and family day care homes may need as they serve
30 children with disabilities and other special needs.

31

1 Section 13. Subsections (1) and (4) of section
2 402.313, Florida Statutes, are amended to read:

3 402.313 Family day care homes.--

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

14 (a) If not subject to license, family day care homes
15 shall register annually with the department, providing the
16 following information:

- 17 1. The name and address of the home.7
- 18 2. The name of the operator.7
- 19 3. The number of children served.7
- 20 4. Proof of a written plan to provide at least one
21 other competent adult to be available to substitute for the
22 operator in an emergency. This plan shall include the name,
23 address, and telephone number of the designated substitute.7
- 24 5. Proof of screening and background checks.7
- 25 6. Proof of completion of the 30-hour ~~3-hour~~ training
26 course, which shall include:
 - 27 a. State and local rules and regulations that govern
28 child care.
 - 29 b. Health, safety, and nutrition.
 - 30 c. Identifying and reporting child abuse and neglect.

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1 d. Child development, including typical and atypical
2 language development; and cognitive, motor, social, and
3 self-help skills development.

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

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

9 7. Proof that immunization records are kept current.

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

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

16 (d) The department may provide technical assistance to
17 counties and family day care home providers to enable counties
18 and family day care providers to achieve compliance with
19 family day care homes standards.

20 (4) Operators of family day care homes shall take an
21 approved 30-clock-hour ~~3-clock-hour~~ introductory course in
22 child care. Family day care homes licensed or registered on
23 June 30, 1999, shall have until June 30, 2001, to comply with
24 this course requirement, except that the department shall
25 exempt family day care homes in this category that can
26 demonstrate that the operator has received at least 30 hours
27 of training. Family day care homes initially licensed or
28 registered on or after July 1, 1999, but before October 1,
29 1999, shall have until October 1, 1999, to comply with the
30 30-clock-hour course requirement. Family day care homes
31 initially licensed or registered on or after October 1, 1999,

1 must comply with the 30-clock-hour course requirement before
2 caring for children.

3 Section 14. Section 402.3131, Florida Statutes, is
4 created to read:

5 402.3131 Family group day care homes.--

6 (1) Family group day care homes shall be licensed
7 under this section.

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

11 (b) A licensed family day care home must first operate
12 for a minimum of 3 consecutive years, with an operator who has
13 a child development associate credential or equivalent, before
14 seeking licensure as a family group day care home.

15 (c) The department may provide technical assistance to
16 counties and family day care home providers to enable the
17 counties and providers to achieve compliance with minimum
18 standards for family group day care homes.

19 (2) Child care personnel in family group day care
20 homes shall be subject to the applicable screening provisions
21 contained in ss. 402.305(2) and 402.3055. For purposes of
22 screening child care personnel in family group day care homes,
23 the term "child care personnel" includes any member of a
24 family group day care home operator's family 12 years of age
25 or older, or any person 12 years of age or older residing with
26 the operator in the family group day care home. Members of the
27 operator's family, or persons residing with the operator, who
28 are between the ages of 12 years and 18 years, inclusive,
29 shall not be required to be fingerprinted, but shall be
30 screened for delinquency records.

31

1 (3) Operators of family group day care homes shall
2 take an approved 40-clock-hour introductory course in group
3 child care.

4 (4) The department shall prepare a brochure on family
5 group day care homes for distribution to the general public.

6 (5) The department shall, by rule, establish minimum
7 standards for family group day care homes. The standards shall
8 include, at a minimum, requirements for staffing, maintenance
9 of immunization records, minimum health standards, and
10 enforcement of standards.

11 Section 15. Paragraph (a) of subsection (4) of section
12 943.0585, Florida Statutes, 1998 Supplement, is amended to
13 read:

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

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

28 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
29 criminal history record of a minor or an adult which is
30 ordered expunged by a court of competent jurisdiction pursuant
31 to this section must be physically destroyed or obliterated by

1 any criminal justice agency having custody of such record;
2 except that any criminal history record in the custody of the
3 department must be retained in all cases. A criminal history
4 record ordered expunged that is retained by the department is
5 confidential and exempt from the provisions of s. 119.07(1)
6 and s. 24(a), Art. I of the State Constitution and not
7 available to any person or entity except upon order of a court
8 of competent jurisdiction. A criminal justice agency may
9 retain a notation indicating compliance with an order to
10 expunge.

11 (a) The person who is the subject of a criminal
12 history record that is expunged under this section or under
13 other provisions of law, including former s. 893.14, former s.
14 901.33, and former s. 943.058, may lawfully deny or fail to
15 acknowledge the arrests covered by the expunged record, except
16 when the subject of the record:

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

1 6. Is seeking to be employed or licensed by the Office
2 of Teacher Education, Certification, Staff Development, and
3 Professional Practices of the Department of Education, any
4 district school board, or any local governmental entity that
5 licenses child care facilities.

6 Section 16. Paragraph (a) of subsection (4) of section
7 943.059, Florida Statutes, 1998 Supplement, is amended to
8 read:

9 943.059 Court-ordered sealing of criminal history
10 records.--The courts of this state shall continue to have
11 jurisdiction over their own procedures, including the
12 maintenance, sealing, and correction of judicial records
13 containing criminal history information to the extent such
14 procedures are not inconsistent with the conditions,
15 responsibilities, and duties established by this section. Any
16 court of competent jurisdiction may order a criminal justice
17 agency to seal the criminal history record of a minor or an
18 adult who complies with the requirements of this section. The
19 court shall not order a criminal justice agency to seal a
20 criminal history record until the person seeking to seal a
21 criminal history record has applied for and received a
22 certificate of eligibility for sealing pursuant to subsection
23 (2). A criminal history record that relates to a violation of
24 chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839,
25 s. 893.135, or a violation enumerated in s. 907.041 may not be
26 sealed, without regard to whether adjudication was withheld,
27 if the 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 sealing of a criminal history record pertaining to

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

23 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A
24 criminal history record of a minor or an adult which is
25 ordered sealed by a court of competent jurisdiction pursuant
26 to this section is confidential and exempt from the provisions
27 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution
28 and is available only to the person who is the subject of the
29 record, to the subject's attorney, to criminal justice
30 agencies for their respective criminal justice purposes, or to
31

1 those entities set forth in subparagraphs (a)1., 4., 5., and
2 6. for their respective licensing and employment purposes.

3 (a) The subject of a criminal history record sealed
4 under this section or under other provisions of law, including
5 former s. 893.14, former s. 901.33, and former s. 943.058, may
6 lawfully deny or fail to acknowledge the arrests covered by
7 the sealed record, except when the subject of the record:

8 1. Is a candidate for employment with a criminal
9 justice agency;

10 2. Is a defendant in a criminal prosecution;

11 3. Concurrently or subsequently petitions for relief
12 under this section or s. 943.0585;

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

14 5. Is seeking to be employed or licensed by or to
15 contract with the Department of Children and Family Services
16 or the Department of Juvenile Justice or to be employed or
17 used by such contractor or licensee in a sensitive position
18 having direct contact with children, the developmentally
19 disabled, the aged, or the elderly as provided in s.
20 110.1127(3), s. 393.063(14), s. 394.4572(1), s. 397.451, s.
21 402.302(3)~~(8)~~, s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),
22 s. 415.103, s. 985.407, or chapter 400; or

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

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

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HOUSE SUMMARY

Provides a sales tax exemption for educational materials purchased by licensed child care facilities with Gold Seal Quality Care designation from the Department of Children and Family Services that provide all their employees with basic health insurance coverage. Subject to available appropriations, provides for establishment of Institutes of Excellence in Infant and Toddler Development to provide services to child care providers and parents. Defines "family group day care home" and provides for licensure and Gold Seal designation of such homes. Provides a maximum \$1,000 fine for failure to comply with licensing requirements. Provides for child care market rate reimbursement for Gold Seal child care providers. Increases from 150 to 200 percent of federal poverty level the maximum family income for participation in the subsidized child care program. Directs the department to establish health care coverage for employees of certain subsidized child care providers through the state employees health insurance program. Provides eligibility requirements and a schedule of premium participation. Directs the department to establish a system for behavioral observation and developmental assessment of young children in subsidized child care. Contingent upon specific appropriations, directs the department to establish a program to award Early Head Start collaboration grants to provide matching funds to secure Early Head Start program federal grants. Revises minimum training requirements for child care facility personnel. Provides minimum training requirements for directors of child care facilities. Provides for development of minimum standards for specialized child care facilities for the care of mildly ill children. Contingent upon specific appropriations, establishes a toll-free telephone line to provide consultation to child care centers and family day care homes. Increases the training course requirement for operators of family day care homes. See bill for details.