

1
2 An act relating to child care; amending s.
3 110.151, F.S.; modifying duties of state
4 agencies regarding child care programs
5 sponsored by the agencies; creating s. 196.095,
6 F.S.; providing for a tax exemption for real
7 estate used and owned by a child care facility
8 operating in an enterprise zone; providing
9 procedures for application for the tax
10 exemption; amending s. 212.08, F.S.; providing
11 a sales tax exemption for educational materials
12 purchased by child care facilities, under
13 certain conditions; amending s. 402.26, F.S.;
14 providing legislative intent that certain
15 licensed child care facilities be considered an
16 educational institution for the purpose of
17 qualifying for exemption from ad valorem
18 taxation; amending s. 402.281, F.S.; providing
19 for Gold Seal Quality Care designation for
20 large family child care homes; amending s.
21 402.3015, F.S.; increasing the maximum family
22 income for participation in the subsidized
23 child care program; creating s. 402.3016, F.S.;
24 providing for Early Head Start collaboration
25 grants, contingent upon specific
26 appropriations; providing duties of the Florida
27 Partnership for School Readiness; providing for
28 rules; amending s. 402.302, F.S.; defining the
29 term "large family child care home"; creating
30 s. 402.3027, F.S.; directing the department to
31 establish a system for the behavioral

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

1 requiring a report; providing an effective
2 date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Subsection (2) of section 110.151, Florida
7 Statutes, is amended to read:

8 110.151 State officers' and employees' child care
9 services.--

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

28 Section 2. Section 196.095 is created to read:

29 196.095 Exemption for a licensed child care facility
30 operating in an enterprise zone.--

31

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

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

21 (3) The production by the child care facility operator
22 of a current license by the Department of Children and Family
23 Services or local licensing authority and certification by the
24 governing body or enterprise zone where the child care center
25 is located is prima facie evidence that the child care
26 facility owner is entitled to such exemptions.

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

29 212.08 Sales, rental, use, consumption, distribution,
30 and storage tax; specified exemptions.--The sale at retail,
31 the rental, the use, the consumption, the distribution, and

1 the storage to be used or consumed in this state of the
2 following are hereby specifically exempt from the tax imposed
3 by this chapter.

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

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

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

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

26 402.26 Child care; legislative intent.--

27 (1) The Legislature recognizes the critical importance
28 to the citizens of the state of both safety and quality in
29 child care. Child care in Florida is in the midst of
30 continuing change and development, driven by extraordinary
31 changes in demographics. Many parents with children under age

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

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

28 (3) To protect the health and welfare of children, it
29 is the intent of the Legislature to develop a regulatory
30 framework that promotes the growth and stability of the child
31

1 care industry and facilitates the safe physical, intellectual,
2 motor, and social development of the child.

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

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

15 (6) It is the intent of the Legislature that a child
16 care facility licensed pursuant to s. 402.305 or a child care
17 facility exempt from licensing pursuant to s. 402.316, that
18 achieves Gold Seal Quality status pursuant to s. 402.281, be
19 considered an educational institution for the purpose of
20 qualifying for exemption from ad valorem tax pursuant to s.
21 196.198.

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

24 402.281 Gold Seal Quality Care program.--

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

1 Quality Care" designation to operate as a gold seal child care
2 facility, large family child care home, or family day care
3 home.

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

6 402.3015 Subsidized child care program; purpose; fees;
7 contracts.--

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

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

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

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

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

1 Section 7. Section 402.3016, Florida Statutes, is
2 created to read:

3 402.3016 Early Head Start collaboration grants.--

4 (1) Contingent upon specific appropriations, the
5 Florida Partnership for School Readiness shall establish a
6 program to award collaboration grants to assist local agencies
7 in securing Early Head Start programs through Early Head Start
8 program federal grants. The collaboration grants shall provide
9 the required matching funds for public and private nonprofit
10 agencies that have been approved for Early Head Start program
11 federal grants.

12 (2) Public and private nonprofit agencies providing
13 Early Head Start programs applying for collaborative grants
14 must:

15 (a) Ensure quality performance by meeting the
16 requirements in the Head Start program performance standards
17 and other applicable rules and regulations;

18 (b) Ensure collaboration with other service providers
19 at the local level; and

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

23 (3) The partnership shall report to the Legislature on
24 an annual basis the number of agencies receiving Early Head
25 Start collaboration grants and the number of children served.

26 (4) The partnership may adopt rules as necessary for
27 the award of collaboration grants to competing agencies and
28 the administration of the collaboration grants program under
29 this section.

30 Section 8. Present subsections (8) through (15) of
31 section 402.302, Florida Statutes, 1998 Supplement, are

1 renumbered as subsections (9) through (16), respectively, and
2 a new subsection (8) is added to that section to read:

3 402.302 Definitions.--

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

20 (a) A maximum of 8 children from birth to 24 months of
21 age.

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

24 Section 9. Section 402.3027, Florida Statutes, is
25 created to read:

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

1 formal developmental assessment, or the need to make referrals
2 for necessary early intervention programs and specialized
3 services.

4 (1) DEFINITIONS.--

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

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

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

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

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

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

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

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

30
31

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

4 (d) Standardized assessment tests and diagnostic
5 assessments tests shall only be administered by professional
6 and trained staff.

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

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

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

16 (a) Level I assessment.--

17 1. The purpose of Level I assessment is to identify
18 and monitor normal development or possible developmental
19 delay.

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

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

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

31 (b) Level II assessment.--

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

5 2. Level II assessment shall be conducted by trained
6 professional staff.

7 3. The department shall establish procedures to:

8 a. Develop individualized learning plans for
9 implementation by the primary caregiver.

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

12 c. Adopt and offer a program of parent training and
13 home visits.

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

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

28 402.305 Licensing standards; child care facilities.--

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

31

1 (d) Minimum ~~staff~~ training requirements for child care
2 personnel.

3 1. Such minimum standards for training shall ensure
4 that all child care personnel and operators of family day care
5 homes serving at-risk children in a subsidized child care
6 program pursuant to s. 402.3015 take an approved 40-clock-hour
7 ~~30-clock-hour~~ introductory course in child care, which course
8 covers at least the following topic areas:

9 a. State and local rules and regulations which govern
10 child care.

11 b. Health, safety, and nutrition.

12 c. Identifying and reporting child abuse and neglect.

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

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

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

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

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

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

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

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

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

1 and ways to increase the accessibility, quality, and
2 cost-effectiveness of current and proposed staff training. The
3 evaluation methodology shall include a reliable and valid
4 survey of child care personnel.

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

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

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

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

25 402.3051 Child care market rate reimbursement; child
26 care grants.--

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

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

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

15 402.3055 Child care personnel requirements.--

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

19 (b) When the department or the local licensing agency
20 has reasonable cause to believe that grounds for denial or
21 termination of employment exist, it shall notify, in writing,
22 the applicant, licensee, or other child care program and the
23 child care personnel affected, stating the specific record
24 which indicates noncompliance with the standards in s.
25 402.305(2)~~(1)~~.

26 (d) When a local licensing agency is the agency
27 initiating the statement regarding noncompliance of an
28 employee with the standards contained in s. 402.305(2)~~(1)~~, the
29 employee, applicant, licensee, or other child care program has
30 15 days from the time of written notification of the agency's
31 finding to make a written request for a hearing. If a request

1 for a hearing is not received in that time, the permanent
2 employee, applicant, licensee, or other child care program is
3 presumed to accept the finding.

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

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

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

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

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

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

30 (4) Contingent upon specific appropriations, the
31 department shall expand or contract for the expansion of the

1 Warm-Line from one statewide site to one Warm-Line site in
2 each child care resource and referral agency region.

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

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

16 402.313 Family day care homes.--

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

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

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

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

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

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

17 402.3131 Large family child care homes.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 Section 19. This act shall take effect July 1, 1999.
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