

By Senator Clary

7-1185A-00

See HB

1                                   A bill to be entitled  
2           An act relating to child care and early  
3           intervention; amending s. 402.3015, F.S.;  
4           authorizing the Department of Children and  
5           Family Services to increase family income  
6           limits for certain eligibility for subsidized  
7           child care; providing that an eligible family  
8           shall be considered a needy family for federal  
9           Temporary Assistance for Needy Families  
10          funding, subject to appropriations; creating s.  
11          402.3017, F.S.; establishing the Teacher  
12          Education and Compensation Helps Scholarship  
13          Program; creating s. 402.3019, F.S.;  
14          establishing a program to provide a statewide  
15          network of child care health consultation  
16          services; providing for involvement of the  
17          child care resource and referral agencies, the  
18          Florida Partnership for School Readiness and  
19          local school readiness coalitions, and other  
20          public and private child health partners;  
21          specifying duties and responsibilities of child  
22          care health consultants; providing for a  
23          training program, to be provided by the  
24          Department of Children and Family Services  
25          through contract with a university; amending s.  
26          402.302, F.S.; revising the definition of  
27          "large family child care home" to include  
28          certain children related to the caregiver;  
29          creating s. 402.3054, F.S.; defining "child  
30          enrichment service provider"; specifying  
31          requirements relating to parental consent,

1 compensation, and background screening for such  
2 providers providing services in a child care  
3 facility; creating s. 402.31302, F.S.;  
4 providing that family day care homes shall be a  
5 permitted use in all municipal residential  
6 districts; providing that deed restrictions  
7 prohibiting such use of a single-family  
8 dwelling shall not be enforceable; providing  
9 for deed restrictions or bylaws prohibiting  
10 family day care homes in condominiums and  
11 cooperatives, under certain circumstances;  
12 providing for the burden of proof on the party  
13 seeking enforcement of a deed restriction,  
14 bylaw, or other restriction against a family  
15 day care home; amending s. 402.315, F.S.;  
16 revising responsibilities for costs when a  
17 county designates a local agency to license  
18 child care facilities; providing an effective  
19 date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Subsection (1) of section 402.3015, Florida  
24 Statutes, is amended, and subsection (10) is added to that  
25 section, to read:

26 402.3015 Subsidized child care program; purpose; fees;  
27 contracts.--

28 (1) The purpose of the subsidized child care program  
29 is to provide quality child care to enhance the development,  
30 including language, cognitive, motor, social, and self-help  
31 skills of children who are at risk of abuse or neglect and

1 children of low-income families, and to promote financial  
2 self-sufficiency and life skills for the families of these  
3 children, unless prohibited by federal law. Priority for  
4 participation in the subsidized child care program shall be  
5 accorded to children under 13 years of age who are:

6 (a) Determined to be at risk of abuse, neglect, or  
7 exploitation and who are currently clients of the department's  
8 Children and Families Program Office;

9 (b) Children at risk of welfare dependency, including  
10 children of participants in the WAGES Program, children of  
11 migrant farmworkers, children of teen parents, and children  
12 from other families at risk of welfare dependency due to a  
13 family income of less than 100 percent of the federal poverty  
14 level;

15 (c) Children of working families whose family income  
16 is equal to or greater than 100 percent, but does not exceed  
17 150 percent, of the federal poverty level. The department may  
18 extend eligibility to children of working families who are  
19 currently in subsidized child care and whose family income  
20 does not exceed 200 percent of the federal poverty level; and

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

24 (10) A family that is eligible to participate in the  
25 subsidized child care program shall be considered a needy  
26 family for purposes of the program funded through the federal  
27 Temporary Assistance for Needy Families (TANF) block grant, to  
28 the extent permitted by appropriation of funds.

29 Section 2. Section 402.3017, Florida Statutes, is  
30 created to read:

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1           402.3017 Teacher Education and Compensation Helps  
2 Scholarship Program.--

3           (1) The Legislature finds that the level of  
4 early-child-care teacher education and training is a key  
5 predictor for determining program quality. The Legislature  
6 also finds that low wages for child-care workers prevents many  
7 from obtaining increased training and education and  
8 contributes to high turnover rates. The Legislature therefore  
9 intends to help fund a program that links teacher training and  
10 education to compensation and commitment to the field of  
11 early-childhood education.

12           (2) The Department of Children and Family Services is  
13 authorized to contract for the administration of the Teacher  
14 Education and Compensation Helps Scholarship Program  
15 (T.E.A.C.H.), which provides educational scholarships to  
16 caregivers and administrators of early-childhood programs and  
17 family child-care homes.

18           (3) The department shall adopt rules necessary for  
19 administering this section.

20           Section 3. Section 402.3019, Florida Statutes, is  
21 created to read:

22           402.3019 Child care health consultant program.--

23           (1) DEFINITIONS.--For purposes of this section:

24           (a) "Child care resource and referral agency" means an  
25 agency under contract with the Department of Children and  
26 Family Services for the purpose of managing the child care  
27 resource and referral program.

28           (b) "Child care health consultant" means a registered  
29 nurse, dietitian, health educator, or other licensed health  
30 professional, with experience in child development, child  
31 care, or elementary education, who provides consultation to

1 child care providers and families on early assessment,  
2 immunization, health and safety measures, nutrition, and  
3 obtaining health care.

4 (2) CHILD CARE HEALTH CONSULTANT PROGRAM.--

5 (a) The child care health consultant program is a  
6 public-private partnership that joins the existing network of  
7 Florida's child care resource and referral agencies; the  
8 Florida Partnership for School Readiness and local school  
9 readiness coalitions; universities; and other child health  
10 partners in the public and private sectors.

11 (b) Child care health consultants shall be established  
12 in each child care resource and referral agency to provide a  
13 statewide network of child care health consultation services.  
14 At least one child care health consultant shall be employed by  
15 each child care resource and referral agency.

16 (c) Training of child care health consultants in the  
17 assessment and training skills needed to carry out the child  
18 care health consultant functions shall be provided by the  
19 Department of Children and Family Services through a contract  
20 with a university. The university shall develop and offer a  
21 comprehensive training program for child care health  
22 consultants, add child care health issues into the curricula  
23 of nursing and allied health professional training, and  
24 collect data, conduct research, and advise on program  
25 development through outcome measurement and evaluation.

26 (d) The Florida Partnership for School Readiness and  
27 local school readiness coalitions shall specify the  
28 involvement of child care health consultants in the activities  
29 of local school readiness coalitions, particularly in the  
30 areas of developmental assessment, evaluation of local health  
31 care provider networks, immunization status of children in the

1 jurisdiction of the coalition, and other health-related  
2 concerns regarding child care. The Florida Partnership for  
3 School Readiness and local school readiness coalitions shall  
4 work with the child care resource and referral agencies to  
5 describe and measure the impact of child care health and  
6 safety programs on the readiness level of children entering  
7 school.

8 (3) CHILD CARE HEALTH CONSULTANT DUTIES AND  
9 RESPONSIBILITIES.--The duties and responsibilities of a child  
10 care health consultant are to:

11 (a) Screen children in child care settings for  
12 age-appropriate development, including vision and hearing  
13 screening. Such screening must include, but is not limited to:

14 1. Developing screening programs for infants and  
15 toddlers, to include developmental, hearing, and vision  
16 screening.

17 2. Training child care staff to identify  
18 developmental, hearing, and vision problems.

19 3. Referring children with developmental delays or  
20 behavioral, hearing, or vision problems for additional  
21 evaluation and intervention.

22 4. Following up with families and child care staff on  
23 intervention programs.

24 (b) Provide training, technical assistance, and  
25 coordination of health and safety programs in child care  
26 settings, which must include, but is not limited to:

27 1. Providing training and technical assistance to  
28 child care providers on healthy environments, infection  
29 control, hand washing, sanitizing and disinfecting, oral  
30 health, body fluid precautions, diapering, and common  
31 childhood diseases.

1           2. Providing training and technical assistance on  
2 safety and injury prevention; playground equipment safety  
3 standards and supervision; car seat safety; environmental  
4 hazards; disaster preparedness and drills; and cardiopulmonary  
5 resuscitation (CPR) and first aid.

6           3. Providing education and training to child care  
7 providers and families in child development and nutrition.

8           4. Providing training and technical assistance on  
9 positive mental health, behavior management, and  
10 communication.

11           5. Providing technical assistance to child care  
12 providers on health policies, such as exclusion, medication  
13 administration, special needs children, staff hygiene, and  
14 child care center health standards.

15           6. Providing resource material and information on  
16 immunization and other health and safety matters.

17           (c) Track health problems and interventions, which  
18 must include, but is not limited to:

19           1. Keeping child care providers informed about  
20 children's health insurance and Medicaid options, and the need  
21 to have a medical home for each child.

22           2. Referring children to health care providers, mental  
23 health programs, school districts, and other health care  
24 resources in order to address health problems.

25           3. Consulting with child care providers, families, and  
26 health care providers to interpret health problems and develop  
27 intervention plans.

28           4. Monitoring prescribed medical treatment and  
29 coordinating treatment plans with families, child care staff,  
30 and health care providers.

31

1           (d) Coordinate with community and family resources,  
2 which must include, but is not limited to:

3           1. Establishing partnerships with other community  
4 child care organizations such as Head Start, Healthy Start,  
5 Florida Diagnostic and Learning Resource Services, school  
6 districts, children's mental health programs, local health  
7 departments, Department of Children and Family Services local  
8 offices, and Medicaid area offices.

9           2. Establishing communication with parent groups to  
10 provide education on health and safety issues and health  
11 insurance or to assist with special needs children.

12           3. Participating in the local school readiness  
13 coalition by providing information about health and safety  
14 issues, prevention services, and health education.

15           4. Establishing communication with local Medicaid and  
16 managed care providers.

17           (4) TRAINING FOR CHILD CARE HEALTH  
18 CONSULTANTS.--Training for child care health consultants shall  
19 be provided by the Department of Children and Family Services  
20 through a contract with a university. Training must include,  
21 but is not limited to:

22           (a) Providing comprehensive training for child care  
23 health consultants. Topics for such training may include  
24 health and safety training, health and developmental  
25 assessment, nutrition, behavioral health, special needs  
26 children, oral health, playground safety, cardiopulmonary  
27 resuscitation (CPR) and first aid, child care facility quality  
28 analysis, including the use of survey instruments, and  
29 consultancy training.

30           (b) Assisting in the development of a curriculum for  
31 training child care center directors in health and safety,



1 nutrition, family dynamics, positive mental health and child  
2 development, and other subjects.

3 (c) Developing and providing a child care health  
4 consultant curriculum to students in public health, nursing,  
5 allied health professions, and social work.

6 (d) Conducting surveys and collecting data on child  
7 development using the child care network as a collaborative  
8 partner.

9 (e) Collecting evaluation and outcome data on the  
10 impact of child care health consultants, defining outcome  
11 measures, and reporting on these measures over time.

12 (f) Collecting and distributing training materials to  
13 health consultants and child care providers to improve the  
14 quality, health, and safety of the services they provide.

15 (g) Developing a strategy with child care providers to  
16 increase enrollments in the Florida KidCare program,  
17 especially Medicaid and MediKids, by fostering a strong  
18 relationship among the Department of Children and Family  
19 Services, Department of Health, and Florida Children's Forum;  
20 in particular, using existing data systems to target children  
21 in subsidized child care who are eligible for Medicaid.

22 Section 4. Subsection (8) of section 402.302, Florida  
23 Statutes, is amended to read:

24 402.302 Definitions.--

25 (8) "Large family child care home" means an occupied  
26 residence in which child care is regularly provided for  
27 children from at least two unrelated families, which receives  
28 a payment, fee, or grant for any of the children receiving  
29 care, whether or not operated for profit, and which has at  
30 least two full-time child care personnel on the premises  
31 during the hours of operation. One of the two full-time child

1 care personnel must be the owner or occupant of the residence.  
2 A large family child care home must first have operated as a  
3 licensed family day care home for 2 years, with an operator  
4 who has had a child development associate credential or its  
5 equivalent for 1 year, before seeking licensure as a large  
6 family child care home. A large family child care home shall  
7 be allowed to provide care for one of the following groups of  
8 children, which shall include those children under 13 ~~12~~ years  
9 of age who are related to the caregiver:

10 (a) A maximum of 8 children from birth to 24 months of  
11 age.

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

14 Section 5. Section 402.3054, Florida Statutes, is  
15 created to read:

16 402.3054 Child enrichment service providers.--

17 (1) As used in this section, the term "child  
18 enrichment service provider" means an individual who provides  
19 enrichment activities, such as language training, music  
20 instruction, educational instruction, and other experiences,  
21 to specific children during a specific time in a child care  
22 facility.

23 (2) The child's parent shall provide written consent  
24 before a child may participate in activities conducted by a  
25 child enrichment service provider. A child enrichment service  
26 provider receives compensation from the child's parent or from  
27 the child care facility and is not considered a volunteer or  
28 child care personnel.

29 (3) A child enrichment service provider shall be of  
30 good moral character based upon screening. This screening  
31 shall be conducted as provided in chapter 435, using the level

1 2 standards for screening set forth in that chapter. A child  
2 enrichment service provider must meet the screening  
3 requirements prior to providing services to a child in a child  
4 care facility. A child enrichment service provider who has  
5 met the screening standards is not required to be under the  
6 direct and constant supervision of child care personnel.

7 Section 6. Section 402.31302, Florida Statutes, is  
8 created to read:

9 402.31302 Family day care homes; permitted use  
10 locations.--

11 (1) FAMILY DAY CARE HOMES IN RESIDENTIAL  
12 DISTRICTS.--Family day care homes must be a permitted use in  
13 all residential districts of a municipality. The requirements  
14 for family day care homes are the same as for single-family  
15 dwelling units located within such residential districts.

16 (a) Any deed restriction that would prohibit the use  
17 of a single-family dwelling unit as a family day care home is  
18 unenforceable unless that restriction is necessary for the  
19 preservation of the health, safety, and welfare of the other  
20 residents in the neighborhood.

21 (b) The burden of proof is on the party seeking to  
22 enforce the deed restriction to demonstrate, case by case,  
23 that the restriction is necessary for the preservation of the  
24 health, safety, and welfare of the residents in the  
25 neighborhood who were meant to benefit from the restriction.

26 (2) FAMILY DAY CARE HOMES IN CONDOMINIUMS AND  
27 COOPERATIVES.--

28 (a) In condominiums as defined in s. 718.103 and  
29 cooperatives as defined in s. 719.103, which represent  
30 themselves as being primarily for retirees or elderly persons  
31 or which impose a minimum age limit that tends to attract

1 persons who are nearing retirement age, deed restrictions or  
2 bylaws may prohibit family day care homes from being a  
3 permitted use.

4 (b) In condominiums as defined in s. 718.103 and  
5 cooperatives as defined in s. 719.103, other than those which  
6 may prohibit family day care homes from being a permitted use  
7 under paragraph (a), deed restrictions or bylaws may prohibit  
8 family day care homes from being a permitted use. However, the  
9 burden of proof is on the condominium association or  
10 cooperative association to demonstrate, case by case, that the  
11 prohibition is reasonably related to the health, safety, and  
12 welfare of the residents. The burden of proof also is on the  
13 condominium association or cooperative association to  
14 demonstrate, case by case, that any other restrictions imposed  
15 upon a family day care home, including, but not limited to,  
16 noise restrictions and restrictions on the use of interior  
17 common areas, are reasonably related to the health, safety,  
18 and welfare of the residents.

19 Section 7. Subsection (1) of section 402.315, Florida  
20 Statutes, is amended to read:

21 402.315 Funding; license fees.--

22 (1) If the county designates a local agency to be  
23 responsible for the licensing of child care facilities, the  
24 county shall bear no more than 50 ~~at least 75~~ percent of the  
25 costs involved.

26 Section 8. This act shall take effect July 1, 2000.

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LEGISLATIVE SUMMARY

Authorizes the Department of Children and Family Services to extend eligibility for the subsidized child care program to working families currently in the program whose income does not exceed 200 percent of federal poverty level. Provides that an eligible family shall be considered a needy family for purposes of federal Temporary Assistance for Needy Families funding, subject to appropriations. Creates the Teacher Education and Compensation Helps Scholarship Program. Creates a program to provide statewide child care health consultation services, with training of child care health consultants to be provided by the Department of Children and Family Services through a university. Specifies duties and responsibilities of such consultants. Provides for involvement of the child care resource and referral agencies, the Florida Partnership for School Readiness and local school readiness coalitions, and other child health partners in the public and private sectors. Authorizes large family child care homes to include children under 13, rather than 12, years of age who are related to the caregiver. Defines "child enrichment service provider," and specifies requirements relating to parental consent, compensation, and background screening for such providers providing services to a child care facility. Provides that family day care homes shall be a permitted use in all municipal residential districts, subject to the same requirements as single-family dwellings. Provides that deed restrictions prohibiting such use are unenforceable. Authorizes deed restrictions or bylaws prohibiting family day care homes in condominiums and cooperatives that cater to elderly persons, under certain circumstances. Provides for the burden of proof to be on a party seeking to enforce a deed restriction, bylaw, or other restriction against a family day care home. Reduces the county's share to no more than 50 percent of the costs involved, when a county designates a local agency to license child care facilities.