

By the Committees on Information Technology, Child &
Family Security and Representatives Lynn, Rich and Bucher

1 A bill to be entitled
2 An act relating to child care facilities;
3 amending s. 402.3055, F.S.; requiring
4 validation of information provided by an
5 applicant for a child care facility license;
6 creating s. 402.3105, F.S.; requiring the
7 Department of Children and Family Services to
8 establish a database of information relating to
9 violations, citations, and penalties imposed
10 against child care facilities regulated by the
11 state; providing duties of the State Technology
12 Office; specifying database capabilities and
13 uses of information contained therein;
14 requiring the department to establish and
15 impose uniform penalties; amending s. 409.146,
16 F.S., relating to children and families client
17 and management information; deleting obsolete
18 language; providing an effective date.

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

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22 Section 1. Paragraph (a) of subsection (1) of section
23 402.3055, Florida Statutes, is amended to read:

24 402.3055 Child care personnel requirements.--

25 (1) REQUIREMENTS FOR CHILD CARE PERSONNEL.--

26 (a) The department or local licensing agency shall
27 require that the application for a child care license contain
28 a question that specifically asks the applicant, owner, or
29 operator if he or she has ever had a license denied, revoked,
30 or suspended in any state or jurisdiction or has been the
31 subject of a disciplinary action or been fined while employed

1 in a child care facility. The applicant, owner, or operator
2 shall sign an affidavit attesting ~~attest~~ to the accuracy of
3 the information requested under penalty of perjury.

4 1. If the applicant, owner, or operator admits that he
5 or she has been a party in such action, the department or
6 local licensing agency shall review the nature of the
7 suspension, revocation, disciplinary action, or fine before
8 granting the applicant a license to operate a child care
9 facility.

10 2. If the applicant, owner, or operator denies that he
11 or she has been a party in such action in Florida, the
12 department or local licensing agency shall validate the
13 information provided by reviewing statewide child care
14 licensing records to determine if the applicant has had a
15 license denied, revoked, or suspended or has been the subject
16 of a disciplinary action or been fined while employed in a
17 child care facility prior to issuing a license.

18 3. If the department or local licensing agency
19 determines as the result of such review that it is not in the
20 best interest of the state or local jurisdiction for the
21 applicant to be licensed, a license shall not be granted.

22 Section 2. Section 402.3105, Florida Statutes, is
23 created to read:

24 402.3105 Central database on violations, citations,
25 and penalties imposed against child care facilities.--The
26 Department of Children and Family Services shall establish and
27 maintain a central database to record and compile all district
28 information relating to violations, citations, and penalties
29 imposed against child care facilities regulated by the
30 department. The database shall be designed by the State
31 Technology Office, in consultation with the department

1 pursuant to chapter 282, and the department shall implement,
2 operate, and maintain the system in accordance with the
3 policies and procedures established by the office. The
4 database shall be operated in a manner that enables the
5 department to identify and locate such information for
6 purposes of monitoring and evaluating the uniformity and
7 effectiveness of district investigations and enforcement, in
8 order to ensure compliance of child care facilities with state
9 regulatory requirements. The database shall further maintain
10 and produce aggregate statistical reports monitoring patterns
11 of violations, citations, and penalties, including the classes
12 and types of violations, and any actions taken to suspend or
13 revoke the license of a child care facility. The information
14 in the database shall serve as a resource for the evaluation
15 of child care facilities for license renewal but may not be
16 used for employment screening. The information in the database
17 shall be made available to the public upon request.

18 Section 3. The Department of Children and Family
19 Services shall establish and impose uniform penalties for
20 violations of ss. 402.301-402.319, Florida Statutes, and rules
21 adopted thereunder.

22 Section 4. Subsection (9) of section 409.146, Florida
23 Statutes, is amended to read:

24 409.146 Children and families client and management
25 information system.--

26 (9) The Department of Children and Family Services
27 shall provide an annual report to the ~~Joint Information~~
28 ~~Technology Resources Committee. The committee shall review the~~
29 ~~report and shall forward the report, along with its comments,~~
30 ~~to the~~ appropriate substantive and appropriations committees
31 of the House of Representatives and the Senate delineating the

1 development status of the system and other information
2 necessary for funding and policy formulation. In developing
3 the system, the Department of Children and Family Services
4 shall consider and report on the availability of, and the
5 costs associated with using, existing software and systems,
6 including, but not limited to, those that are operational in
7 other states, to meet the requirements of this section. The
8 department shall also consider and report on the compatibility
9 of such existing software and systems with an integrated
10 management information system. The report shall be submitted
11 no later than December 1 of each year.

12 Section 5. This act shall take effect upon becoming a
13 law.

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