

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; providing that
16 implementation is not subject to an
17 appropriation; amending s. 409.146, F.S.,
18 relating to children and families client and
19 management information; deleting obsolete
20 language; amending s. 402.301, F.S., specifying
21 which membership organizations are not
22 considered child care facilities; providing an
23 effective date.

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

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27 Section 1. Paragraph (a) of subsection (1) of section
28 402.3055, Florida Statutes, is amended to read:

29 402.3055 Child care personnel requirements.--
30 (1) REQUIREMENTS FOR CHILD CARE PERSONNEL.--

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1 (a) The department or local licensing agency shall
2 require that the application for a child care license contain
3 a question that specifically asks the applicant, owner, or
4 operator if he or she has ever had a license denied, revoked,
5 or suspended in any state or jurisdiction or has been the
6 subject of a disciplinary action or been fined while employed
7 in a child care facility. The applicant, owner, or operator
8 shall sign an affidavit attesting ~~attest~~ to the accuracy of
9 the information requested under penalty of perjury.

10 1. If the applicant, owner, or operator admits that he
11 or she has been a party in such action, the department or
12 local licensing agency shall review the nature of the
13 suspension, revocation, disciplinary action, or fine before
14 granting the applicant a license to operate a child care
15 facility.

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

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

28 Section 2. Section 402.3105, Florida Statutes, is
29 created to read:

30 402.3105 Central database on violations, citations,
31 and penalties imposed against child care facilities.--The

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

24 Section 3. The Department of Children and Family
25 Services shall establish and impose uniform penalties for
26 violations of ss. 402.301-402.319, Florida Statutes, and rules
27 adopted thereunder.

28 Section 4. Upon the effective date of this act, the
29 Department of Children and Family Services shall implement the
30 provisions of this act relating to compilation, maintenance,
31 and availability of data, public access thereto, and uniform

1 penalties, and such implementation shall not be subject to an
2 appropriation.

3 Section 5. Subsection (9) of section 409.146, Florida
4 Statutes, is amended to read:

5 409.146 Children and families client and management
6 information system.--

7 (9) The Department of Children and Family Services
8 shall provide an annual report to the ~~Joint Information~~
9 ~~Technology Resources Committee. The committee shall review the~~
10 ~~report and shall forward the report, along with its comments,~~
11 to the appropriate substantive and appropriations committees
12 of the House of Representatives and the Senate delineating the
13 development status of the system and other information
14 necessary for funding and policy formulation. In developing
15 the system, the Department of Children and Family Services
16 shall consider and report on the availability of, and the
17 costs associated with using, existing software and systems,
18 including, but not limited to, those that are operational in
19 other states, to meet the requirements of this section. The
20 department shall also consider and report on the compatibility
21 of such existing software and systems with an integrated
22 management information system. The report shall be submitted
23 no later than December 1 of each year.

24 Section 6. Subsection (6) of section 402.301, Florida
25 Statutes, is amended to read:

26 402.301 Child care facilities; legislative intent and
27 declaration of purpose and policy.--It is the legislative
28 intent to protect the health, safety, and well-being of the
29 children of the state and to promote their emotional and
30 intellectual development and care. Toward that end:

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1 (1) It is the purpose of ss. 402.301-402.319 to
2 establish statewide minimum standards for the care and
3 protection of children in child care facilities, to ensure
4 maintenance of these standards, and to approve county
5 administration and enforcement to regulate conditions in such
6 facilities through a program of licensing.

7 (2) It is the intent of the Legislature that all
8 owners, operators, and child care personnel shall be of good
9 moral character.

10 (3) It shall be the policy of the state to ensure
11 protection of children and to encourage child care providers
12 and parents to share responsibility for and to assist in the
13 improvement of child care programs.

14 (4) It shall be the policy of the state to promote
15 public and private employer initiatives to establish day care
16 services for their employees.

17 (5) It is the further legislative intent that the
18 freedom of religion of all citizens shall be inviolate.
19 Nothing in ss. 402.301-402.319 shall give any governmental
20 agency jurisdiction or authority to regulate, supervise, or in
21 any way be involved in any Sunday School, Sabbath School, or
22 religious services or any nursery service or other program
23 conducted during religious or church services primarily for
24 the convenience of those attending such services.

25 (6) It is further the intent that membership
26 organizations that do not provide child care for school-age
27 children for more than four hours per day, and are affiliated
28 with national organizations ~~which do not provide child care,~~
29 whose primary purpose is providing activities that contribute
30 to the development of good character or good sportsmanship or
31 to the education or cultural development of minors in this

1 state, which charge only a nominal annual membership fee,
2 which are not for profit, and which are certified by their
3 national associations as being in compliance with the
4 association's minimum standards and procedures, shall not be
5 considered child care facilities and therefore, their
6 personnel shall not be required to be screened. Care for
7 children under the age of Kindergarten is considered child
8 care and is subject to the provisions of s. 402.301 through
9 402.19.

10 Section 7. This act shall take effect upon becoming a
11 law.

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