

By Senator Brown-Waite

10-811-01

See HB

1 A bill to be entitled
2 An act relating to school readiness; amending
3 s. 20.50, F.S.; removing the requirement that
4 the Agency for Workforce Innovation be a
5 separate budget entity from the Department of
6 Management Services; assigning certain
7 responsibility for administering school
8 readiness programs to the agency; requiring the
9 agency's unified budget to include funding for
10 school readiness; renaming offices within the
11 agency; directing the agency to be the
12 designated agency for purpose of federal school
13 readiness grants; requiring disbursement of
14 school readiness grants pursuant to plans and
15 policies of the Florida Partnership for School
16 Readiness; making certain responsibilities
17 subject to appropriations; amending s. 216.136,
18 F.S.; adding staff of the Agency for Workforce
19 Innovation to the School Readiness Program
20 Estimating Conference; conforming
21 cross-references; amending s. 230.23, F.S.;
22 requiring school boards to work through the
23 Florida Partnership for School Readiness with
24 regard to programs for early childhood and
25 basic skills development; renumbering as s.
26 412.51, F.S., and amending s. 411.01, F.S.;
27 transferring the Florida Partnership for School
28 Readiness from the Executive Office of the
29 Governor to the Agency for Workforce
30 Innovation; increasing the membership of the
31 partnership and the number of members required

1 for a quorum; requiring partnership members to
2 abstain from voting in certain circumstances;
3 designating the partnership as the lead agency
4 for certain federal programs; authorizing the
5 partnership to adopt rules through the agency;
6 directing that the partnership's budget shall
7 be part of the agency's budget; revising
8 entities to which the partnership must make
9 legislative recommendations; requiring the
10 partnership to prepare a long-range program
11 plan; changing the membership of local school
12 readiness coalitions; requiring members of the
13 coalitions to abstain from voting in certain
14 circumstances; authorizing the school readiness
15 program to include certain school-age children;
16 conforming cross-references; renumbering as s.
17 412.52, F.S., and amending s. 230.2303, F.S.;
18 transferring certain responsibilities from
19 school districts to local school readiness
20 coalitions; removing the requirement that the
21 Commissioner of Education approve the inclusion
22 of Florida First Start Programs in local school
23 readiness plans; assigning parent resource
24 centers to local coalitions; transferring
25 certain responsibilities for the monitoring of
26 and the provision of technical assistance to
27 local school readiness programs from the
28 Commissioner of Education to the Florida
29 Partnership for School Readiness; providing
30 reporting requirements; renumbering as s.
31 412.53, F.S., and amending s. 230.2305, F.S.;

1 modifying legislative intent to recognize the
2 involvement of local school readiness
3 coalitions in prekindergarten programs;
4 deleting references to school districts and
5 eliminating district and district employee
6 responsibility for certain programs;
7 transferring certain responsibilities to local
8 school readiness coalitions; requiring the
9 Florida Partnership for School Readiness to
10 establish performance standards for early
11 education and child care programs; requiring
12 the local school readiness coalitions to
13 establish a sliding fee scale; authorizing
14 different adult-child ratios in certain
15 programs under certain circumstances;
16 authorizing the local school readiness
17 coalitions to delegate certain
18 responsibilities; requiring reports; removing
19 obsolete provisions; eliminating district
20 interagency coordinating councils regarding
21 prekindergarten programs; renumbering as s.
22 412.54, F.S., and amending s. 230.2306, F.S.;
23 transferring certain responsibilities from
24 school districts and certain preschool agencies
25 and providers to local school readiness
26 coalitions; amending s. 240.529, F.S.; deleting
27 obsolete provisions; requiring that certain
28 information be sent to local school readiness
29 coalitions and the Florida Partnership for
30 School Readiness; renumbering s. 402.25, F.S.,
31 as s. 412.55, F.S.; renumbering as s. 412.551,

1 F.S., and amending s. 402.27, F.S.;

2 transferring certain responsibilities regarding

3 child care services from the Department of

4 Children and Family Services to the Florida

5 Partnership for School Readiness; authorizing

6 local school readiness coalitions to select

7 local resource and referral providers without

8 preferences; limiting the number of child care

9 resource and referral service agencies;

10 requiring such agencies to provide certain

11 services; changing references to the WAGES

12 program to the welfare transition program;

13 conforming a cross-reference; repealing s.

14 402.28, F.S., relating to "Child Care Plus"

15 facilities; renumbering as s. 412.553, F.S.,

16 and amending s. 402.281, F.S.; transferring

17 responsibilities relating to the Gold Seal

18 Quality Care program relating to child care

19 from the Department of Children and Family

20 Services to the Florida Partnership for School

21 Readiness; conforming a cross-reference;

22 renumbering as s. 412.554, F.S., and amending

23 s. 402.301, F.S.; conforming cross-references;

24 directing the Partnership for School Readiness

25 to provide certain assistance in lieu of the

26 Department of Children and Family Services;

27 renumbering as s. 412.555, F.S., and amending

28 s. 402.3015, F.S.; removing qualifier on

29 definition of families at risk for welfare

30 dependency; authorizing the Florida Partnership

31 on School Readiness to authorize services for

1 certain children; changing reference to the
2 WAGES program to the welfare transition
3 program; removing certain persons from
4 eligibility to receive subsidized child care
5 services; removing authority of the Department
6 of Children and Family Services to set certain
7 fees; transferring certain authority and
8 responsibility from the department to the
9 Agency for Workforce Innovation or to local
10 school readiness coalitions; requiring certain
11 providers to provide access to local school
12 readiness coalitions for monitoring purposes;
13 requiring the Division of Risk Management to
14 provide insurance to local school readiness
15 coalitions for certain purposes; requiring
16 local school readiness coalitions, in lieu of
17 community child care coordinating agencies, to
18 provide certain services; eliminating the
19 requirement to develop certain plans relating
20 to state subsidized child care; eliminating the
21 monitoring of certain programs by the
22 Department of Children and Family Services;
23 conforming a cross-reference; renumbering s.
24 402.3016, F.S., as s. 412.556, F.S.;
25 renumbering as s. 412.557, F.S., and amending
26 s. 402.3017, F.S.; authorizing the Florida
27 Partnership for School Readiness, rather than
28 the Department of Children and Family Services,
29 to contract for the administration of the
30 Teacher Education and Compensation Helps
31 scholarship program; providing rulemaking

1 authority; renumbering as s. 412.558, F.S., and
2 amending s. 402.3018, F.S.; transferring
3 certain authority and responsibilities
4 regarding assistance to child services
5 providers from the Department of Children and
6 Family Services to the Florida Partnership for
7 School Readiness and the Agency for Workforce
8 Innovation; renumbering as s. 412.56, F.S., and
9 amending s. 402.302, F.S.; providing
10 definitions; deleting the definition of the
11 term "secretary"; conforming cross-references;
12 renumbering as s. 412.561, F.S., and amending
13 s. 402.3025, F.S.; removing certain
14 requirements for programs to be exempted from
15 certain child care regulations; transferring
16 certain rulemaking and monitoring authority
17 from the State Board of Education to the Agency
18 for Workforce Innovation; transferring certain
19 authority of the Department of Children and
20 Family Services relating to nonpublic schools
21 to the Agency for Workforce Innovation;
22 conforming cross-references; renumbering as s.
23 412.562, F.S., and amending s. 402.3027, F.S.;
24 transferring certain authority of the
25 Department of Children and Family Services
26 relating to observation and assessment of young
27 children in certain programs for children to
28 the Florida Partnership for School Readiness;
29 renumbering as s. 412.563, F.S., and amending
30 s. 402.3028, F.S.; including the Florida
31 Partnership for School Readiness in agencies

1 responsible for referrals for Level III
2 assessment; conforming cross-references;
3 renumbering as s. 412.57, F.S., and amending s.
4 402.305, F.S.; transferring the responsibility
5 for establishing standards relating to the
6 licensure of child care facilities from the
7 Department of Children and Family Services to
8 the Agency for Workforce Innovation;
9 transferring the obligation to evaluate school
10 readiness staff training programs from the
11 State Coordinating Council for School Readiness
12 Programs and the Department of Children and
13 Family Services to the Florida Partnership for
14 School Readiness; transferring certain
15 rulemaking authority from the Department of
16 Children and Family Services to the Agency for
17 Workforce Innovation; deleting obsolete
18 provisions; eliminating the child care
19 technical review panel; conforming
20 cross-references; renumbering as s. 412.571,
21 F.S., and amending s. 402.3051, F.S.; providing
22 a definition; transferring certain authority
23 relating to reimbursement of providers from the
24 Department of Children and Family Services to
25 the Agency for Workforce Innovation and local
26 school readiness coalitions; eliminating
27 certain grant authority of the Department of
28 Children and Family Services; transferring
29 certain rulemaking authority from the
30 Department of Children and Family Services to
31 the Agency for Workforce Innovation; conforming

1 cross-references; renumbering as s. 412.572,
2 F.S., and amending s. 402.3052, F.S.;
3 transferring the child development associate
4 training grants program from the Department of
5 Children and Family Services to the Agency for
6 Workforce Innovation; removing the State
7 Coordinating Council for School Readiness
8 Programs as an advisor to the program;
9 transferring certain authority related to the
10 program from the Department of Children and
11 Family Services and others to the Agency for
12 Workforce Innovation, the Florida Partnership
13 for School Readiness, and local school
14 readiness coalitions; renumbering s. 402.3054,
15 F.S., as s. 412.573, F.S.; renumbering as s.
16 412.574, F.S., and amending s. 402.3055, F.S.;
17 transferring the regulatory authority,
18 including the imposition of penalties, of the
19 Department of Children and Family services
20 related to child care personnel to the Agency
21 for Workforce Innovation; conforming
22 cross-references; renumbering as s. 412.575,
23 F.S., and amending s. 402.3057, F.S.;
24 conforming cross-references; renumbering as s.
25 412.58, F.S., and amending s. 402.306, F.S.;
26 transferring the authority of the Department of
27 Children and Family Services relating to local
28 licensing of child care facilities to the
29 Agency for Workforce Innovation; conforming a
30 cross-reference; renumbering as s. 412.59,
31 F.S., and amending s. 402.307, F.S.;

1 transferring the authority of the Department of
2 Children and Family Services relating to the
3 approval of local licensing agencies of child
4 care facilities to the Agency for Workforce
5 Innovation; conforming cross-references;
6 renumbering as s. 412.60, F.S., and amending s.
7 402.308, F.S.; transferring the licensure
8 authority of the Department of Children and
9 Family Services relating to child care
10 facilities to the Agency for Workforce
11 Innovation; conforming cross-references;
12 renumbering as s. 412.61, F.S., and amending s.
13 402.309, F.S.; transferring the authority of
14 the Department of Children and Family Services
15 relating to provisional licensure of child care
16 facilities to the Agency for Workforce
17 Innovation; conforming cross-references;
18 renumbering as s. 412.62, F.S., and amending s.
19 402.310, F.S.; transferring disciplinary
20 authority of the Department of Children and
21 Family Services relating to child care
22 facilities to the Agency for Workforce
23 Innovation; conforming cross-references;
24 renumbering as s. 412.63, F.S., and amending s.
25 402.311, F.S.; transferring the right of entry
26 and inspection of child care facilities from
27 the Department of Children and Family Services
28 to the Agency for Workforce Innovation;
29 conforming cross-references; renumbering as s.
30 412.631, F.S., and amending s. 402.3115, F.S.;
31 requiring the Agency for Workforce Innovation

1 to avoid duplicative and unnecessary
2 inspections of child care facilities;
3 renumbering as s. 412.64, F.S., and amending s.
4 402.312, F.S.; transferring the authority to
5 obtain certain injunctions and to impose
6 administrative fines from the Department of
7 Children and Family Services to the Agency for
8 Workforce Innovation; conforming
9 cross-references; renumbering as s. 412.641,
10 F.S., and amending s. 402.3125, F.S.; requiring
11 child care facility licenses to bear the seal
12 of the Agency for Workforce Innovation rather
13 than the seal of the Department of Children and
14 Family Services; transferring the duty of the
15 Department of Children and Family Services to
16 develop model brochures to the Agency for
17 Workforce Innovation; conforming
18 cross-references; renumbering as s. 412.65,
19 F.S., and amending s. 402.313, F.S.;
20 transferring the authority, including
21 rulemaking authority, of the Department of
22 Children and Family Services relating to the
23 licensure, registration, and disciplining of
24 family day care homes to the Agency for
25 Workforce Innovation; deleting obsolete
26 provisions; requiring the Florida Partnership
27 for School Readiness, rather than the
28 Department of Children and Family Services, to
29 prepare a brochure on family day care, evaluate
30 a registration and licensure system, and
31 institute a media campaign; conforming

1 cross-references; renumbering as s. 412.651,
2 F.S., and amending s. 402.3131, F.S.;
3 transferring the licensure and disciplinary
4 authority, including rulemaking authority, of
5 the Department of Children and Family Services
6 relating to large family child care homes to
7 the Agency for Workforce Innovation; requiring
8 the Agency for Workforce Innovation, rather
9 than the Department of Children and Family
10 Services, to prepare a brochure on large family
11 day care homes; conforming cross-references;
12 renumbering as s. 412.652, F.S., and amending
13 s. 402.3135, F.S.; transferring the authority
14 of the Department of Children and Family
15 Services relating to the child care case
16 management program to the Agency for Workforce
17 Innovation; renumbering as s. 412.66, F.S., and
18 amending s. 402.314, F.S.; requiring the Agency
19 for Workforce Innovation, rather than the
20 Department of Children and Family Services, to
21 provide supportive services to child care
22 entities; renumbering as s. 412.661, F.S., and
23 amending s. 402.3145, F.S.; requiring the
24 Agency for Workforce Innovation, rather than
25 the Department of Children and Family Services,
26 to establish a subsidized child care
27 transportation system; requiring local school
28 readiness coalitions, rather than the state
29 community child care coordination agencies, to
30 contract for the provision of transportation
31 services; renumbering as s. 412.67, F.S., and

1 amending s. 402.315, F.S.; requiring the Agency
2 for Workforce Innovation, rather than the
3 Department of Children and Family Services, to
4 bear certain licensure costs; authorizing the
5 agency to collect fees for deposit in its trust
6 fund; conforming cross-references; renumbering
7 as s. 412.68, F.S., and amending s. 402.316,
8 F.S.; requiring child care facilities claiming
9 an exemption from licensure to notify the
10 Agency for Workforce Innovation instead of the
11 Department of Children and Family Services;
12 conforming cross-references; renumbering s.
13 402.318, F.S., as s. 412.69, F.S.; renumbering
14 as s. 412.70, F.S., and amending s. 402.319,
15 F.S.; conforming cross-references and
16 terminology to other provisions of the act;
17 creating s. 412.71, F.S.; directing local
18 school readiness coalitions to establish
19 certain fees and fee collection procedures;
20 renumbering as s. 412.72, F.S., and amending s.
21 409.178, F.S.; requiring the Florida
22 Partnership for School Readiness, rather than
23 the Department of Children and Family Services,
24 to provide staff to the Child Care Executive
25 Partnership; requiring local school readiness
26 coalitions, rather than community coordinated
27 child care agencies or the state resource and
28 referral agency, to administer certain funds,
29 to meet matching requirements, to assess fees,
30 and establish community child care task forces;
31 requiring the Florida Partnership for School

1 Readiness, rather than the Department of
2 Children and Family Services, to develop a
3 procedure for the disbursement of certain
4 funds; transferring certain rulemaking
5 authority from the Department of Children and
6 Family Services to the Florida Partnership for
7 School Readiness; providing for a type two
8 transfer of the Florida Partnership for School
9 Readiness from the Executive Office of the
10 Governor to the Agency for Workforce
11 Innovation; providing for a type two transfer
12 of subsidized child care programs from the
13 Department of Children and Family Services to
14 the Agency for Workforce Innovation; providing
15 for a type two transfer of prekindergarten,
16 migrant prekindergarten, and Florida First
17 Start programs from the Department of Education
18 to the Agency for Workforce Innovation;
19 providing for the leasing of staff to the
20 Florida Partnership for School Readiness;
21 amending ss. 39.201, 196.095, 212.08, 220.03,
22 220.19, 228.061, 229.808, 232.01, 381.0072,
23 393.0657, 400.906, 400.953, 402.164, 402.26,
24 402.45, 409.1671, 409.1757, 411.011, 411.203,
25 445.023, 624.5107, 627.70161, 893.13, 921.0022,
26 943.0585, 943.059, 985.04, 985.05, F.S. ;
27 conforming cross-references; providing an
28 effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Section 20.50, Florida Statutes, is amended
2 to read:

3 20.50 Agency for Workforce Innovation.--There is
4 created the Agency for Workforce Innovation within the
5 Department of Management Services. The ~~agency shall be a~~
6 ~~separate budget entity, and the~~ director of the agency shall
7 be the agency head for all purposes. The agency shall not be
8 subject to control, supervision, or direction by the
9 Department of Management Services in any manner, including,
10 but not limited to, personnel, purchasing, transactions
11 involving real or personal property, and budgetary matters.

12 (1) The Agency for Workforce Innovation shall ensure
13 that the state appropriately administers federal and state
14 workforce and school readiness funding by administering plans
15 and policies of Workforce Florida, Inc., and the Florida
16 Partnership for School Readiness ~~under contract with Workforce~~
17 ~~Florida, Inc.~~ The operating budget and midyear amendments
18 thereto must be part of such contract.

19 (a) All program and fiscal instructions to regional
20 workforce boards shall emanate from the agency pursuant to
21 plans and policies of Workforce Florida, Inc., and the
22 contract between Workforce Florida, Inc., and the agency shall
23 ~~be responsible for all policy directions to the regional~~
24 ~~boards.~~

25 (b) All fiscal instructions to local school readiness
26 coalitions shall emanate from the agency pursuant to plans and
27 policies of the Florida Partnership for School Readiness and
28 the contract between the Florida Partnership for School
29 Readiness and the agency. The partnership shall provide
30 program instructions and technical assistance and approve
31 coalition plans and amendments thereto.

1 ~~(c)(b)~~ Unless otherwise provided by agreement with
2 Workforce Florida, Inc., or the Florida Partnership for School
3 Readiness, administrative and personnel policies of the Agency
4 for Workforce Innovation shall apply.

5 (2) The Agency for Workforce Innovation shall be the
6 designated administrative agency for receipt of federal
7 workforce development grants and other federal funds,
8 including federal school readiness funds, assigned to it for
9 administration, and shall carry out the duties and
10 responsibilities assigned by the Governor under each federal
11 grant assigned to the agency. Funds appropriated to the agency
12 shall be a separate from those appropriated to the Department
13 of Management Services budget entity and each revenue source
14 shall be expended ~~expend each revenue source~~ as provided by
15 federal and state law and as provided in plans developed by
16 and agreements with Workforce Florida, Inc., or the Florida
17 Partnership for School Readiness. The agency shall prepare and
18 submit ~~as a separate budget entity~~ a unified budget request
19 for workforce development, in accordance with chapter 216 for,
20 and in conjunction with, Workforce Florida, Inc., and its
21 board and a unified budget request for school readiness for,
22 and as prescribed by, the Florida Partnership for School
23 Readiness. The head of the agency is the Director of Workforce
24 Innovation, who shall be appointed by the Governor. Within the
25 agency's overall organizational structure, the agency shall
26 include the following offices which shall have the specified
27 responsibilities:

28 (a) The Office of Programs and ~~Workforce~~ Services
29 shall:

30 1. Administer state merit system program staff within
31 the workforce service delivery system and the school readiness

1 system, pursuant to policies of Workforce Florida, Inc., and
2 the Florida Partnership for School Readiness, respectively.

3 2. ~~The Office shall~~ Be responsible for delivering
4 workforce services through the one-stop delivery system and
5 for ensuring that participants in welfare transition programs
6 receive case management services, diversion assistance,
7 support services, including subsidized child care and
8 transportation services, Medicaid services, and transition
9 assistance to enable them to succeed in the workforce.

10
11 The office shall be directed by the Deputy Director for
12 Programs and Workforce Services, who shall be appointed by and
13 serve at the pleasure of the director.

14 (b) The Office of ~~Workforce~~ Investment and
15 Accountability shall be responsible for procurement,
16 contracting, financial management, accounting, audits, and
17 verification. The office shall be directed by the Deputy
18 Director for ~~Workforce~~ Investment and Accountability, who
19 shall be appointed by and serve at the pleasure of the
20 director. The office shall be responsible for:

21 1. Establishing standards and controls for reporting
22 budgeting, expenditure, and performance information for
23 assessing outcomes, service delivery, and financial
24 administration of workforce and school readiness programs
25 pursuant to s. 445.004(5) and (9).

26 2. Establishing monitoring, quality assurance, and
27 quality improvement systems that routinely assess the quality
28 and effectiveness of contracted programs and services.

29 3. Annual review of each regional workforce board and
30 administrative entity to ensure adequate systems of reporting
31 and control are in place, and monitoring, quality assurance,

1 and quality improvement activities are conducted routinely,
2 and corrective action is taken to eliminate deficiencies.

3 (c) The Office of ~~Workforce~~ Information Services shall
4 deliver information on labor markets, employment, occupations,
5 and performance, and shall implement and maintain information
6 systems that are required for the effective operation of the
7 one-stop delivery system, including, but not limited to, those
8 systems described in s. 445.009. The office will be under the
9 direction of the Deputy Director for ~~Workforce~~ Information
10 Services, who shall be appointed by and serve at the pleasure
11 of the director. The office shall be responsible for
12 establishing:

13 1. Information systems and controls that report
14 reliable, timely and accurate fiscal and performance data for
15 assessing outcomes, service delivery, and financial
16 administration of workforce programs pursuant to s. 445.004(5)
17 and (9).

18 2. Information systems that support service
19 integration and case management by providing for case tracking
20 for participants in welfare transition programs.

21 (3) The Agency for Workforce Innovation shall serve as
22 the designated agency for purposes of each federal workforce
23 development or school readiness grant assigned to it for
24 administration. The agency shall carry out the duties assigned
25 to it by the Governor, under the terms and conditions of each
26 grant. The agency shall have the level of authority and
27 autonomy necessary to be the designated recipient of each
28 federal grant assigned to it, and shall disperse such grants
29 pursuant to the plans and policies of Workforce Florida, Inc.,
30 for workforce grants and the plans and policies of the Florida
31 Partnership for School Readiness for school readiness grants.

1 The director may, upon delegation from the Governor and
2 pursuant to agreement with Workforce Florida, Inc., or the
3 Florida Partnership for School Readiness, sign contracts,
4 grants, and other instruments as necessary to execute
5 functions assigned to the agency. Notwithstanding other
6 provisions of law, the following federal grants and other
7 funds are assigned for administration to the Agency for
8 Workforce Innovation:

9 (a) Programs authorized under Title I of the Workforce
10 Investment Act of 1998, Pub. L. No. 105-220, except for
11 programs funded directly by the United States Department of
12 Labor under Title I, s. 167.

13 (b) Programs authorized under the Wagner-Peyser Act of
14 1933, as amended, 29 U.S.C. ss. 49 et seq.

15 (c) Welfare-to-work grants administered by the United
16 States Department of Labor under Title IV, s. 403, of the
17 Social Security Act, as amended.

18 (d) Activities authorized under Title II of the Trade
19 Act of 1974, as amended, 2 U.S.C. ss. 2271 et seq., and the
20 Trade Adjustment Assistance Program.

21 (e) Activities authorized under chapter 41 of Title 38
22 U.S.C., including job counseling, training, and placement for
23 veterans.

24 (f) Employment and training activities carried out
25 under the Community Services Block Grant Act, 42 U.S.C. ss.
26 9901 et seq.

27 (g) Employment and training activities carried out
28 under funds awarded to this state by the United States
29 Department of Housing and Urban Development.

30 (h) Designated state and local program expenditures
31 under part A of Title IV of the Social Security Act for

1 welfare transition workforce services associated with the
2 Temporary Assistance for Needy Families Program.

3 (i) Programs authorized under the National and
4 Community Service Act of 1990, 42 U.S.C. ss. 12501 et seq.,
5 and the Service-America programs, the National Service Trust
6 programs, the Civilian Community Corps, the Corporation for
7 National and Community Service, the American Conservation and
8 Youth Service Corps, and the Points of Light Foundation
9 programs, if such programs are awarded to the state.

10 (j) Other programs funded by federal or state
11 appropriations, as determined by the Legislature in the
12 General Appropriations Act or by law.

13 (4) To the extent that specific appropriations are
14 provided for this purpose,the Agency for Workforce Innovation
15 shall provide or contract for training for employees of
16 administrative entities and case managers of any contracted
17 providers to ensure they have the necessary competencies and
18 skills to provide adequate administrative oversight and
19 delivery of the full array of client services pursuant to s.
20 445.006(5)(f). Training requirements include, but are not
21 limited to:

22 (a) Minimum skills, knowledge, and abilities required
23 for each classification of program personnel utilized in the
24 regional workforce boards' service delivery plans.

25 (b) Minimum requirements for development of a regional
26 workforce board supported personnel training plan to include
27 preservice and inservice components.

28 (c) Specifications or criteria under which any
29 regional workforce board may award bonus points or otherwise
30 give preference to competitive service provider applications
31 that provide minimum criteria for assuring competent case

1 management, including, but not limited to, maximum caseload
2 per case manager, current staff turnover rate, minimum
3 educational or work experience requirements, and a
4 differentiated compensation plan based on the competency
5 levels of personnel.

6 (d) Minimum skills, knowledge, and abilities required
7 for contract management, including budgeting, expenditure, and
8 performance information related to service delivery and
9 financial administration, monitoring, quality assurance and
10 improvement, and standards of conduct for employees of
11 regional workforce boards and administrative entities
12 specifically related to carrying out contracting
13 responsibilities.

14 Section 2. Paragraph (a) of subsection (6) and
15 paragraph (b) of subsection (10) of section 216.136, Florida
16 Statutes, are amended to read:

17 216.136 Consensus estimating conferences; duties and
18 principals.--

19 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

20 (a) Duties.--

21 1. The Social Services Estimating Conference shall
22 develop such official information relating to the social
23 services system of the state, including forecasts of social
24 services caseloads, as the conference determines is needed for
25 the state planning and budgeting system. Such official
26 information shall include, but not be limited to, subsidized
27 child care caseloads mandated by the Family Support Act of
28 1988.

29 2. In addition, the Social Services Estimating
30 Conference shall develop estimates and forecasts of the
31 unduplicated count of children eligible for subsidized child

1 care as defined in s. 412.555(1)~~402.3015(1)~~. These estimates
2 and forecasts shall not include children enrolled in the
3 prekindergarten early intervention program established in s.
4 412.53 ~~230.2305~~.

5 3. The Department of Children and Family Services and
6 the Department of Education shall provide information on
7 caseloads and waiting lists for the subsidized child care and
8 prekindergarten early intervention programs requested by the
9 Social Services Estimating Conference or individual conference
10 principals, in a timely manner.

11 4. The Social Services Estimating Conference shall
12 develop information relating to the Florida Kidcare program,
13 including, but not limited to, outreach impacts, enrollment,
14 caseload, utilization, and expenditure information that the
15 conference determines is needed to plan for and project future
16 budgets and the drawdown of federal matching funds. The
17 agencies required to collect and analyze Florida Kidcare
18 program data under s. 409.8134 shall be participants in the
19 Social Services Estimating Conference for purposes of
20 developing information relating to the Florida Kidcare
21 program.

22 (10) SCHOOL READINESS PROGRAM ESTIMATING CONFERENCE.--

23 (b) Principals.--The Executive Office of the Governor,
24 the Director of Economic and Demographic Research, and
25 professional staff who have forecasting expertise from the
26 Florida Partnership for School Readiness, the Agency for
27 Workforce Innovation, the Department of Children and Family
28 Services, the Department of Education, the Senate, and the
29 House of Representatives, or their designees, are the
30 principals of the School Readiness Program Estimating
31

1 Conference. The principal representing the Executive Office of
2 the Governor shall preside over sessions of the conference.

3 Section 3. Paragraph (o) of subsection (4) of section
4 230.23, Florida Statutes, is amended to read:

5 230.23 Powers and duties of school board.--The school
6 board, acting as a board, shall exercise all powers and
7 perform all duties listed below:

8 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
9 SCHOOLS.--Adopt and provide for the execution of plans for the
10 establishment, organization, and operation of the schools of
11 the district, including, but not limited to, the following:

12 (o) Early childhood and basic skills
13 development.--Provide for early childhood and basic skills
14 development through the Florida Partnership for School
15 Readiness.

16 Section 4. Section 411.01, Florida Statutes, is
17 renumbered as section 412.51, Florida Statutes, and subsection
18 (4) and paragraphs (a), (b), (c), and (d) of subsection (5) of
19 that section are amended to read:

20 412.51 ~~411.01~~ Florida Partnership for School
21 Readiness; school readiness coalitions.--

22 (4) FLORIDA PARTNERSHIP FOR SCHOOL READINESS.--

23 (a) There is created the Florida Partnership for
24 School Readiness with responsibility for adopting and
25 maintaining coordinated programmatic, administrative, and
26 fiscal policies and standards for all school readiness
27 programs, while allowing a wide range of programmatic
28 flexibility and differentiation. The partnership is assigned
29 to the Agency for Workforce Innovation ~~Executive Office of the~~
30 ~~Governor~~ for administrative purposes.

31

1 (b)1. The Florida Partnership for School Readiness
2 shall include the Lieutenant Governor, the Commissioner of
3 Education, the Secretary of Children and Family Services, and
4 the Secretary of Health, or their designees, ~~and~~ the chair of
5 the Child Care Executive Partnership Board, and the
6 chairperson of the Board of Directors of Workforce Florida,
7 Inc. When the Lieutenant Governor or an agency head appoints a
8 designee, the designee must be an individual who attends
9 consistently, and, in the event that the Lieutenant Governor
10 or agency head and his or her designee both attend a meeting,
11 only one of them may vote.

12 2. The partnership shall also include twelve ~~10~~
13 members of the public who shall be business, community, and
14 civic leaders in the state who are not elected to public
15 office. These members and their families must not be providers
16 in the early education and child care industry. The members
17 must be geographically and demographically representative of
18 the state. Each member shall be appointed by the Governor. Ten
19 ~~Eight~~ of the members shall be appointed from a list of twelve
20 ~~10~~ nominees, of which six ~~five~~ must be submitted by the
21 President of the Senate and six ~~five~~ must be submitted by the
22 Speaker of the House of Representatives. Members shall be
23 appointed to 4-year terms of office. However, of the initial
24 appointees, two shall be appointed to 1-year terms, two shall
25 be appointed to 2-year terms, three shall be appointed to
26 3-year terms, and three shall be appointed to 4-year terms.
27 The members of the partnership shall elect a chairperson
28 annually from the nongovernmental members of the partnership.
29 Any vacancy on the partnership shall be filled in the same
30 manner as the original appointment.

31

1 (c) The partnership shall meet at least quarterly but
2 may meet as often as it deems necessary to carry out its
3 duties and responsibilities. Members of the partnership shall
4 participate without proxy at the quarterly meetings. The
5 partnership may take official action by a majority vote of the
6 members present at any meeting at which a quorum is present. A
7 quorum shall consist of a majority of the members, plus one.
8 The partnership shall hold its first meeting by October 1,
9 1999.

10 (d) Members of the partnership are subject to the
11 ethics provisions in part III of chapter 112, and no member
12 may derive any financial benefit from the funds administered
13 by the Florida Partnership for School Readiness. A member
14 shall be subject to the provisions of s. 112.3143(3)(a),
15 relating to conflicts of interest, as if such member were a
16 local officer.

17 (e) Members of the partnership shall serve without
18 compensation but are entitled to reimbursement for per diem
19 and travel expenses incurred in the performance of their
20 duties as provided in s. 112.061, and reimbursement for other
21 reasonable, necessary, and actual expenses.

22 (f) For the purposes of tort liability, the members of
23 the partnership and its employees shall be governed by s.
24 768.28.

25 (g) The partnership shall appoint an executive
26 director to serve at its pleasure who shall perform the duties
27 assigned to him or her by the partnership. The executive
28 director shall be responsible for hiring, subject to the
29 approval of the partnership, all employees and staff members,
30 who shall serve under his or her direction and control.

31

1 (h) For purposes of administration of the federal
2 Child Care and Development Fund, 45 C.F.R. parts 98 and 99,
3 the partnership may be designated by the Governor as the lead
4 agency, and if so designated shall comply with the lead agency
5 responsibilities pursuant to federal law.

6 (i) For purposes of administration of the Early
7 Learning Opportunities Act and the Even Start Family Literacy
8 Programs, pursuant to Pub. L. No. 106-554 and as defined in
9 section 14(a) (2 U.S.C. s. 8801), the Florida Partnership for
10 School Readiness may be designated as the lead agency, is so
11 designated, and must comply with the lead agency
12 responsibilities pursuant to federal law.

13 (j)~~(i)~~ The Florida Partnership for School Readiness is
14 the principal organization responsible for the enhancement of
15 school readiness for the state's children, and shall:

16 1. Be responsible for the prudent use of all public
17 and private funds in accordance with all legal and contractual
18 requirements.

19 2. Provide final approval and periodic review of
20 coalitions and plans.

21 3. Provide leadership for enhancement of school
22 readiness in this state by aggressively establishing a unified
23 approach to the state's efforts toward enhancement of school
24 readiness. In support of this effort, the partnership may
25 develop and implement specific strategies that address the
26 state's school readiness programs.

27 4. Safeguard the effective use of federal, state,
28 local, and private resources to achieve the highest possible
29 level of school readiness for the state's children.

30 5. Provide technical assistance to coalitions.

31 6. Assess gaps in service.

1 7. Provide technical assistance to counties that form
2 a multicounty coalition.

3 8.a. By July 1, 2000, adopt a system for measuring
4 school readiness that provides objective data regarding the
5 expectations for school readiness, and establish a method for
6 collecting the data and guidelines for using the data. The
7 measurement, the data collection, and the use of the data must
8 serve the statewide school readiness goal. The criteria for
9 determining which data to collect should be the usefulness of
10 the data to state policymakers and local program
11 administrators in administering programs and allocating state
12 funds, and must include the tracking of school readiness
13 system information back to individual school readiness
14 programs to assist in determining program effectiveness.

15 b. By December 31, 2000, the partnership shall also
16 adopt a system for evaluating the performance of students
17 through the third grade to compare the performance of those
18 who participated in school readiness programs with the
19 performance of students who did not participate in school
20 readiness programs in order to identify strategies for
21 continued successful student performance.

22 9. By June 1, 2000, develop and adopt performance
23 standards and outcome measures.

24 10. In consultation with the Postsecondary Education
25 Planning Commission and the Education Standards Commission,
26 assess the expertise of public and private Florida
27 postsecondary institutions in the areas of infant and toddler
28 developmental research; the related curriculum of training,
29 career, and academic programs; and the status of articulation
30 among those programs. Based on this assessment, the
31 partnership shall provide recommendations to the Governor and

1 the Legislature for postsecondary program improvements to
2 enhance school readiness initiatives.

3 ~~(k)(j)~~ The partnership, through the Agency for
4 Workforce Innovation, may adopt rules necessary to administer
5 the provisions of this section which relate to preparing and
6 implementing the system for school readiness, collecting data,
7 approving local school readiness coalitions and plans,
8 providing a method whereby a coalition can serve two or more
9 counties, awarding incentives to coalitions, and issuing
10 waivers.

11 ~~(l)(k)~~ The Florida Partnership for School Readiness
12 shall have all powers necessary to carry out the purposes of
13 this section, including, but not limited to, the power to
14 receive and accept grants, loans, or advances of funds from
15 any public or private agency and to receive and accept from
16 any source contributions of money, property, labor, or any
17 other thing of value, to be held, used, and applied for the
18 purposes of this section.

19 ~~(m)(l)~~ The Florida Partnership for School Readiness
20 shall be an independent, nonpartisan body and shall not be
21 identified or affiliated with any one agency, program, or
22 group.

23 ~~(n)(m)~~ The Florida Partnership for School Readiness
24 shall have a budget, shall be financed through an annual
25 appropriation made to the Agency for Workforce Innovation for
26 this purpose in the General Appropriations Act, and shall be
27 subject to compliance audits and annual financial audits by
28 the Auditor General.

29 ~~(o)(n)~~ The partnership shall coordinate the efforts
30 toward school readiness in this state and provide independent
31

1 policy analyses and recommendations to the Governor, the State
2 Board of Education, and the Legislature.

3 (p)~~(o)~~ By July 1, 2000, the partnership shall prepare
4 and submit to the State Board of Education a system for
5 measuring school readiness. The system must include a uniform
6 screening, which shall provide objective data regarding the
7 following expectations for school readiness which shall
8 include, at a minimum:

- 9 1. The child's immunizations and other health
10 requirements as necessary, including appropriate vision and
11 hearing screening and examinations.
- 12 2. The child's physical development.
- 13 3. The child's compliance with rules, limitations, and
14 routines.
- 15 4. The child's ability to perform tasks.
- 16 5. The child's interactions with adults.
- 17 6. The child's interactions with peers.
- 18 7. The child's ability to cope with challenges.
- 19 8. The child's self-help skills.
- 20 9. The child's ability to express his or her needs.
- 21 10. The child's verbal communication skills.
- 22 11. The child's problem-solving skills.
- 23 12. The child's following of verbal directions.
- 24 13. The child's demonstration of curiosity,
25 persistence, and exploratory behavior.
- 26 14. The child's interest in books and other printed
27 materials.
- 28 15. The child's paying attention to stories.
- 29 16. The child's participation in art and music
30 activities.

31

1 17. The child's ability to identify colors, geometric
2 shapes, letters of the alphabet, numbers, and spatial and
3 temporal relationships.

4 (q)~~(p)~~ The partnership shall prepare a plan for
5 implementing the system for measuring school readiness in such
6 a way that all children in this state will undergo the uniform
7 screening established by the partnership when they enter
8 kindergarten. Children who enter public school for the first
9 time in first grade must undergo a uniform screening approved
10 by the partnership for use in first grade. Because children
11 with disabilities may not be able to meet all of the
12 identified expectations for school readiness, the plan for
13 measuring school readiness shall incorporate mechanisms for
14 recognizing the potential variations in expectations for
15 school readiness when serving children with disabilities and
16 shall provide for communities to serve children with
17 disabilities.

18 (r)~~(q)~~ The partnership shall recommend to the
19 Governor, ~~the Commissioner of Education, and the State Board~~
20 ~~of Education~~ rules, and revisions or repeal of rules, which
21 would increase the effectiveness of programs that prepare
22 children for school.

23 (s)~~(r)~~ The partnership shall conduct studies and
24 planning activities related to the overall improvement and
25 effectiveness of school readiness measures.

26 (t)~~(s)~~ By February 1, 2000, the partnership shall work
27 with the Office of the Comptroller for electronic funds
28 transfer.

29 (u)~~(t)~~ By February 1, 2000, the partnership shall
30 present to the Legislature a plan for combining funding
31

1 streams for school readiness programs into a School Readiness
2 Trust Fund.

3 (v)~~(u)~~ The partnership shall prepare a long-range
4 program plan consistent with s. 216.013 for ~~establish~~
5 ~~procedures for performance-based budgeting in~~ school readiness
6 programs.

7 (w)~~(v)~~ The partnership shall submit an annual report
8 of its activities to the Governor, the executive director of
9 the Florida Healthy Kids Corporation, the President of the
10 Senate, the Speaker of the House of Representatives, and the
11 minority leaders of both houses of the Legislature. In
12 addition, the partnership's reports and recommendations shall
13 be made available to the State Board of Education, other
14 appropriate state agencies and entities, district school
15 boards, central agencies for child care, and county health
16 departments. The annual report must provide an analysis of
17 school readiness activities across the state, including the
18 number of children who were served in the programs and the
19 number of children who were ready for school.

20 (x)~~(w)~~ The partnership shall work with school
21 readiness coalitions to increase parents' training for and
22 involvement in their children's preschool education and to
23 provide family literacy activities and programs.

24
25 To ensure that the system for measuring school readiness is
26 comprehensive and appropriate statewide, as the system is
27 developed and implemented, the partnership must consult with
28 representatives of district school systems, providers of
29 public and private child care, health care providers, large
30 and small employers, experts in education for children with
31 disabilities, and experts in child development.

- 1 (5) CREATION OF SCHOOL READINESS COALITIONS.--
- 2 (a) School readiness coalitions.--
- 3 1. If a coalition's plan would serve less than 400
- 4 birth-to-kindergarten age children, the coalition must either
- 5 join with another county to form a multicounty coalition,
- 6 enter an agreement with a fiscal agent to serve more than one
- 7 coalition, or demonstrate to the partnership its ability to
- 8 effectively and efficiently implement its plan as a
- 9 single-county coalition and meet all required performance
- 10 standards and outcome measures.
- 11 2. Each coalition shall have at least 18 but not more
- 12 than 25 members and such members must include the following:
- 13 a. A Department of Children and Family Services
- 14 district administrator or his or her designee who is
- 15 authorized to make decisions on behalf of the department.
- 16 b. A district superintendent of schools or his or her
- 17 designee who is authorized to make decisions on behalf of the
- 18 district.
- 19 c. A regional workforce development board chair or
- 20 director, where applicable.
- 21 d. A county health department director or his or her
- 22 designee.
- 23 e. A children's services council or juvenile welfare
- 24 board chair or executive director, if applicable.
- 25 f. A child care licensing agency head.
- 26 ~~g. One member appointed by a Department of Children~~
- 27 ~~and Family Services district administrator.~~
- 28 g.h. One member appointed by a board of county
- 29 commissioners.
- 30 h.i. One member appointed by a district school board.
- 31 i.j. A central child care agency administrator.

1 j.k. A Head Start director.

2 k.l. A representative of private child care providers.

3 l.m. A representative of faith-based child care
4 providers.

5
6 More than one-third of the coalition members must be from the
7 private sector, and neither they nor their families may earn
8 an income from the early education and child care industry. To
9 meet this requirement a coalition must appoint additional
10 members from a list of nominees presented to the coalition by
11 a chamber of commerce or economic development council within
12 the geographic area of the coalition.

13 3. No member of a coalition may appoint a designee to
14 act in his or her place. A member may send a representative to
15 coalition meetings, but that representative will have no
16 voting privileges. When a district superintendent of schools
17 or a district administrator for the Department of Children and
18 Family Services appoints a designee to a school readiness
19 coalition, the designee will be the voting member of the
20 coalition, and any individual attending in his or her place,
21 including the district administrator or superintendent, will
22 have no voting privileges.

23 4. The school readiness coalition shall replace the
24 district interagency coordinating council formerly required
25 under s. 230.2305.

26 5. Members of the coalition are subject to the ethics
27 provisions in part III of chapter 112.

28 6. For the purposes of tort liability, the members of
29 the school readiness coalition and its employees shall be
30 governed by s. 768.28.

31

1 7. A member of a local school readiness coalition is
2 subject to the provisions of s. 112.3143(3)(a), relating to
3 conflicts of interest, as if such member were a local officer.

4 ~~8.7.~~ Multicounty coalitions shall include
5 representation from each county.

6 ~~9.8.~~ The terms of all appointed members of the
7 coalition must be staggered. Appointed members may serve a
8 maximum of two terms. When a vacancy occurs in an appointed
9 position, the coalition must advertise the vacancy.

10 (b) Program participation.--The school readiness
11 program shall be established for children from birth to 5
12 years of age or until the child enters kindergarten. The
13 program may also include services for eligible school-age
14 children pursuant to s. 412.555.The program shall be
15 administered by the school readiness coalition. Within funding
16 limitations, the school readiness coalition, along with all
17 providers, shall make reasonable efforts to accommodate the
18 needs of children for extended-day and extended-year services
19 without compromising the quality of the program.

20 (c) Program expectations.--

21 1. The school readiness program must meet the
22 following expectations:

23 a. The program must prepare preschool children to
24 enter kindergarten ready to learn, as measured by criteria
25 established by the Florida Partnership for School Readiness.

26 b. The program must provide extended-day and
27 extended-year services to the maximum extent possible to meet
28 the needs of parents who work.

29 c. There must be coordinated staff development and
30 teaching opportunities.

31

1 d. There must be expanded access to community services
2 and resources for families to help achieve economic
3 self-sufficiency.

4 e. There must be a single point of entry and unified
5 waiting list.

6 f. As long as funding or eligible populations do not
7 decrease, the program must serve at least as many children as
8 were served prior to implementation of the program.

9 g. There must be a community plan to address the needs
10 of all eligible children.

11 h. The program must meet all state licensing
12 guidelines, where applicable.

13 2. The school readiness coalition must implement a
14 comprehensive program of readiness services that enhance the
15 cognitive, social, and physical development of children to
16 achieve the performance standards and outcome measures
17 specified by the partnership. At a minimum, these programs
18 must contain the following elements:

19 a. Developmentally appropriate curriculum.

20 b. A character development program to develop basic
21 values.

22 c. An age-appropriate assessment of each child's
23 development.

24 d. A screening ~~pretest~~ administered to children when
25 they enter a program and an assessment ~~a posttest~~ administered
26 to children when they leave the program, pursuant to ss.
27 412.562 and 412.563.

28 e. An appropriate staff-to-child ratio.

29 f. A healthful and safe environment.

30 g. A resource and referral network to assist parents
31 in making an informed choice.

1 (d) Implementation.--
2 1. The school readiness program is to be phased in.
3 Until the coalition implements its plan, the county shall
4 continue to receive the services identified in subsection (3)
5 through the various agencies that would be responsible for
6 delivering those services under current law. Plan
7 implementation is subject to approval of the coalition and the
8 plan by the Florida Partnership for School Readiness.
9 2. Each school readiness coalition shall develop a
10 plan for implementing the school readiness program to meet the
11 requirements of this section and the performance standards and
12 outcome measures established by the partnership. The plan must
13 include a written description of the role of the program in
14 the coalition's effort to meet the first state education goal,
15 readiness to start school, including a description of the plan
16 to involve the prekindergarten early intervention programs,
17 Head Start Programs, programs offered by public or private
18 providers of child care, preschool programs for children with
19 disabilities, programs for migrant children, Title I programs,
20 subsidized child care programs, and teen parent programs. The
21 plan must also demonstrate how the program will ensure that
22 each 3-year-old and 4-year-old child in a publicly funded
23 school readiness program receives scheduled activities and
24 instruction designed to prepare children to enter kindergarten
25 ready to learn. Prior to implementation of the program, the
26 school readiness coalition must submit the plan to the
27 partnership for approval. The partnership may approve the
28 plan, reject the plan, or approve the plan with conditions.
29 The plan shall be reviewed, revised, and approved biennially.
30 3. The plan for the school readiness program must
31 include the following minimum standards and provisions:

- 1 a. A sliding fee scale establishing a copayment for
2 parents based upon their ability to pay, which is the same for
3 all program providers, to be implemented and reflected in each
4 program's budget.
- 5 b. A choice of settings and locations in licensed,
6 registered, religious-exempt, or school-based programs to be
7 provided to parents.
- 8 c. Instructional staff who have completed the training
9 course as required in s. 412.57(2)(d)1.~~402.305(2)(d)1.~~, as
10 well as staff who have additional training or credentials as
11 required by the respective program provider. The plan must
12 provide a method for assuring the qualifications of all
13 personnel in all program settings.
- 14 d. Specific eligibility priorities for children within
15 the coalition's county pursuant to subsection (6).
- 16 e. Performance standards and outcome measures
17 established by the partnership or alternatively, standards and
18 outcome measures to be used until such time as the partnership
19 adopts such standards and outcome measures.
- 20 f. Reimbursement rates that have been developed by the
21 coalition.
- 22 g. Systems support services, including a central
23 agency, child care resource and referral, eligibility
24 determinations, training of providers, and parent support and
25 involvement.
- 26 h. Direct enhancement services to families and
27 children. System support and direct enhancement services shall
28 be in addition to payments for the placement of children in
29 school readiness programs.
- 30 i. A business plan, which must include the contract
31 with a school readiness agent if the coalition is not a

1 | legally established corporate entity. Coalitions may contract
2 | with other coalitions to achieve efficiency in multiple-county
3 | services, and such contracts may be part of the coalition's
4 | business plan.

5 | j. Strategies to meet the needs of unique populations,
6 | such as migrant workers.

7 |
8 | As part of the plan, the coalition may request the Governor to
9 | apply for a waiver to allow the coalition to administer the
10 | Head Start Program to accomplish the purposes of the school
11 | readiness program. If any school readiness plan can
12 | demonstrate that specific statutory goals can be achieved more
13 | effectively by using procedures that require modification of
14 | existing rules, policies, or procedures, a request for a
15 | waiver to the partnership may be made as part of the plan.
16 | Upon review, the partnership may grant the proposed
17 | modification.

18 | 4. Persons with an early childhood teaching
19 | certificate may provide support and supervision to other staff
20 | in the school readiness program.

21 | 5. The coalition may not implement its plan until it
22 | submits the plan to and receives approval from the
23 | partnership. Once the plan has been approved, the plan and the
24 | services provided under the plan shall be controlled by the
25 | coalition rather than by the state agencies or departments.
26 | The plan shall be reviewed and revised as necessary, but at
27 | least biennially.

28 | 6. The following statutes will not apply to local
29 | coalitions with approved plans: ss. 125.901(2)(a)3.,
30 | 228.061(1) and (2), 412.54 ~~230.2306~~, 411.221, 411.222, and
31 | 411.232. To facilitate innovative practices and to allow local

1 establishment of school readiness programs, a school readiness
2 coalition may apply to the Governor and Cabinet for a waiver
3 of, and the Governor and Cabinet may waive, any of the
4 provisions of ss. 412.52, 412.53 ~~230.2303, 230.2305,~~
5 ~~230.23166,~~ 412.555 ~~402.3015,~~ 411.223, and 411.232, if the
6 waiver is necessary for implementation of the coalition's
7 school readiness plan.

8 7. Two or more counties may join for the purpose of
9 planning and implementing a school readiness program.

10 8. A coalition may, subject to approval of the
11 partnership as part of the coalition's plan, receive
12 subsidized child care funds for all children eligible for any
13 federal subsidized child care program and be the provider of
14 the program services.

15 9. Coalitions are authorized to enter into multiparty
16 contracts with multicounty service providers in order to meet
17 the needs of unique populations such as migrant workers.

18 Section 5. Section 230.2303, Florida Statutes, is
19 renumbered as section 412.52, Florida Statutes, and
20 subsections (1), (2), (3), (5), (6), (7), (8), and (9) and
21 paragraphs (a), (f), (g), (h), and (i) of subsection (4) of
22 that section are amended to read:

23 412.52 ~~230.2303~~ Florida First Start Program.--

24 (1) LEGISLATIVE INTENT; PURPOSE.--The Legislature
25 recognizes that the years of a child's life between birth and
26 the third birthday are critical for fostering intellectual
27 ability, language competence, physical development, and social
28 skills. The Florida First Start Program is intended as a
29 home-school partnership designed to give children with
30 disabilities and children at risk of future school failure the
31 best possible start in life and to support parents in their

1 role as the children's first teachers. The purpose of the
2 program is to assist parents to achieve their own goals for
3 education and self-sufficiency and to teach parents how to
4 foster their child's development in the crucial early years of
5 life. The program must assist local school readiness
6 coalitions ~~school districts~~ in providing early, high-quality
7 parent education and support services that enable the parents
8 to enhance their children's intellectual, language, physical,
9 and social development, thus maximizing the children's overall
10 progress during the first 3 years of life, laying the
11 foundation for future school success, and minimizing the
12 development of disabilities and developmental problems which
13 interfere with learning.

14 (2) PROGRAM.--There is hereby created the Florida
15 First Start Program for children from birth to 3 years of age
16 and their parents. The program must be administered,
17 implemented, and conducted by local school readiness
18 coalitions ~~school districts~~ pursuant to the approved school
19 readiness plan ~~a plan developed and approved as provided in~~
20 ~~this section.~~

21 (3) PLAN.--Each local school readiness coalition board
22 may include the ~~submit to the Commissioner of Education a plan~~
23 ~~for conducting a~~ Florida First Start Program in its school
24 readiness plan. ~~Each plan and subsequent amended plan shall~~
25 ~~be developed in cooperation with the district interagency~~
26 ~~coordinating council on early childhood services established~~
27 ~~pursuant to s. 230.2305 and the Interagency Prekindergarten~~
28 ~~Council for Children with Disabilities, and shall be approved~~
29 ~~by the commissioner.~~ If a local district school readiness
30 coalition's board's plan includes a Florida First Start
31 Program, it must be designed to serve children from birth to 3

1 years of age who are disabled or at risk of future school
2 failure and to serve their parents. For the purposes of this
3 section, the term "children with disabilities or at risk of
4 future school failure" includes any child who has one or more
5 of the characteristics described in s. 411.202(9).

6 (4) PLAN APPROVAL.--To be considered for approval,
7 each plan, or amendment to a plan, must be based on current
8 research findings regarding the growth and development of
9 infants and young children and must include the following
10 program components:

11 (a) The establishment of parent resource centers
12 located in the area served by the coalition ~~neighborhood~~
13 ~~schools~~. Parent resource centers may be established in
14 cooperation with and jointly funded through the community
15 education program established pursuant to s. 239.401.

16 (f) Assurances that each coalition ~~school~~ parent
17 resource center shall be staffed by a coordinator trained in
18 parent education and holding a bachelor's degree from an
19 accredited institution with a major in early childhood
20 education, child development, child psychology, home
21 economics, social work, or nursing.

22 (g) A method for training parent educators and for
23 recruiting parent educators from among the families in the
24 coalition's ~~school's~~ attendance zone. Training for parent
25 educators shall include, but not be limited to, child growth
26 and development, health, safety, nutrition, identifying and
27 reporting child abuse and neglect, developmentally appropriate
28 activities for young children, and avoidance of income-based,
29 race-based, and gender-based stereotyping.

30 (h) An inservice staff development component,
31 including arrangements for staff access to child development

1 associate certificate training or its equivalent and
2 coordination with local teacher education centers established
3 under s. 231.603, ~~and integration with district master~~
4 ~~inservice plans required under s. 236.0811.~~

5 (i) Coordination with other school readiness ~~district~~
6 ~~prekindergarten early intervention~~ programs and other programs
7 serving preschool children and their families.

8 (5) EVALUATION.--Each local school readiness coalition
9 ~~district~~ shall conduct an evaluation of the effectiveness of
10 the program. This evaluation must include assessment of the
11 children's behavior, growth and development, and achievement;
12 the parents' success in meeting their own goals for education
13 and self-sufficiency; and the parents' continued involvement
14 with the education of their children. The results of this
15 evaluation must be maintained by the local school readiness
16 coalition ~~district~~ and made available to the public upon
17 request.

18 (6) MONITORING AND TECHNICAL ASSISTANCE.--The Florida
19 Partnership for School Readiness, with the assistance of the
20 Agency for Workforce Innovation, ~~commissioner~~ shall monitor
21 each local ~~district~~ program at least annually to determine
22 compliance with the coalition ~~district~~ plan and the provisions
23 of this section. The agency ~~department~~ shall develop manuals
24 and guidelines for the development of coalition ~~district~~ plans
25 and shall provide technical assistance to ensure that each
26 coalition ~~district~~ program maintains high standards of quality
27 and effectiveness. The partnership ~~department~~ shall identify
28 exemplary programs in the state to serve as model Florida
29 First Start Programs and shall disseminate information on
30 these programs to all coalitions ~~districts~~.

31

1 (7) ANNUAL REPORT.--Each local ~~district~~ school
2 readiness coalition board that implements a program under this
3 section shall include information about the program in its,
4 ~~with the assistance of the district interagency coordinating~~
5 ~~council on early childhood services, submit an annual report~~
6 ~~of its program~~ to the Florida Partnership for School Readiness
7 ~~commissioner~~. The report must describe the overall program
8 operations, activities of the district interagency
9 coordinating council, expenditures, the number of children
10 served, staff training and qualifications, and evaluation
11 findings.

12 ~~(8) COORDINATION.--~~

13 ~~(a) The Florida First Start Program shall be included~~
14 ~~under the jurisdiction of the State Coordinating Council for~~
15 ~~School Readiness Programs established pursuant to s. 411.222.~~
16 ~~The council shall make recommendations for effective~~
17 ~~implementation of the program and shall advise the Department~~
18 ~~of Education on needed legislation, rules, and technical~~
19 ~~assistance to ensure the continued implementation of an~~
20 ~~effective program.~~

21 ~~(b) Each school district shall develop, implement, and~~
22 ~~evaluate its program in cooperation with the district~~
23 ~~interagency coordinating council established under s.~~
24 ~~230.2305.~~

25 ~~(8)~~(9) FUNDING.--Funding for the Florida First Start
26 Program must be determined annually in the General
27 Appropriations Act.

28 Section 6. Section 230.2305, Florida Statutes, is
29 renumbered as section 412.53, Florida Statutes, and amended to
30 read:

31

1 412.53 ~~230.2305~~ Prekindergarten early intervention
2 program.--
3 (1) LEGISLATIVE INTENT; PURPOSE.--The Legislature
4 recognizes that high-quality prekindergarten education
5 programs increase children's chances of achieving future
6 educational success and becoming productive members of
7 society. It is the intent of the Legislature that such
8 programs be developmental, serve as preventive measures for
9 children at risk of future school failure, enhance the
10 educational readiness of all children, and support family
11 education and the involvement of parents in their child's
12 educational progress. Each prekindergarten early intervention
13 program shall provide the elements necessary to prepare
14 children for school, including health screening and referral
15 and a developmentally appropriate educational program and
16 opportunities for parental involvement in the program. It is
17 the legislative intent that the prekindergarten early
18 intervention program not exist as an isolated program, but
19 build upon existing services and work in cooperation with
20 other programs for young children. It is intended that
21 procedures such as, but not limited to, contracting,
22 collocation, mainstreaming, and cooperative funding be used to
23 coordinate the program with local school readiness coalitions,
24 Head Start, public and private providers of child care,
25 preschool programs for children with disabilities, programs
26 for migrant children, Chapter I, subsidized child care, adult
27 literacy programs, and other services. ~~It is further the~~
28 ~~intent of the Legislature that the Commissioner of Education~~
29 ~~seek the advice of the Secretary of Children and Family~~
30 ~~Services in the development and implementation of the~~
31 ~~prekindergarten early intervention program and the~~

1 ~~coordination of services to young children.~~ The purpose of
2 the prekindergarten early intervention program is to assist
3 local communities in implementing programs that will enable
4 all the families and children in the coalition service area
5 ~~school district~~ to be prepared for the children's success in
6 school.

7 (2) ELIGIBILITY.--There is hereby created the
8 prekindergarten early intervention program for children who
9 are 3 and 4 years of age. A prekindergarten early
10 intervention program ~~shall be administered by a district~~
11 ~~school board and~~ shall receive state funds pursuant to
12 subsection (6). ~~Each public school district shall make~~
13 ~~reasonable efforts to accommodate the needs of children for~~
14 ~~extended day and extended year services without compromising~~
15 ~~the quality of the 6-hour, 180-day program. The school~~
16 ~~district shall report on such efforts. School district~~
17 ~~participation in the prekindergarten early intervention~~
18 ~~program shall be at the discretion of each school district.~~

19 (a) At least 75 percent of the children projected to
20 be served ~~by the district program~~ shall be economically
21 disadvantaged 4-year-old children of working parents,
22 including migrant children or children whose parents
23 participate in the welfare transition program. Other children
24 projected to be served ~~by the district program~~ may include any
25 of the following up to a maximum of 25 percent of the total
26 number of children served:

27 1. Three-year-old and four-year-old children ~~who are~~
28 ~~referred to the school system who may not be economically~~
29 ~~disadvantaged but~~ who are abused, prenatally exposed to
30 alcohol or harmful drugs, or from foster homes, or who are
31

1 marginal in terms of Exceptional Student Education placement,
2 but who are not necessarily economically disadvantaged.

3 2. ~~Three-year-old children and four-year-old children~~
4 ~~who may not be economically disadvantaged but who are eligible~~
5 ~~students with disabilities and served in an exceptional~~
6 ~~student education program with required special services,~~
7 ~~aids, or equipment, but who are not necessarily economically~~
8 ~~disadvantaged and who are reported for partial funding in the~~
9 ~~K-12 Florida Education Finance Program. These students may be~~
10 ~~funded from prekindergarten early intervention program funds~~
11 ~~the portion of the time not funded by the K-12 Florida~~
12 ~~Education Finance Program for the actual instructional time or~~
13 ~~one full-time equivalent student membership, whichever is the~~
14 ~~lesser. These students with disabilities shall be counted~~
15 ~~toward the 25-percent student limit based on full-time~~
16 ~~equivalent student membership funded part-time by~~
17 ~~prekindergarten early intervention program funds. Also,~~
18 ~~3-year-old or 4-year-old eligible students with disabilities~~
19 ~~who are reported for funding in the K-12 Florida Education~~
20 ~~Finance Program in an exceptional student education program as~~
21 ~~provided in s. 236.081(1)(c) may be mainstreamed in the~~
22 ~~prekindergarten early intervention program if such programming~~
23 ~~is reflected in the student's individual educational plan; if~~
24 ~~required special services, aids, or equipment are provided;~~
25 ~~and if there is no operational cost to prekindergarten early~~
26 ~~intervention program funds. Exceptional education students~~
27 ~~who are reported for maximum K-12 Florida Education Finance~~
28 ~~Program funding and who are not reported for early~~
29 ~~intervention funding shall not count against the 75-percent or~~
30 ~~25-percent student limit as stated in this paragraph.~~

31 3. Economically disadvantaged 3-year-old children.

1 4. Economically disadvantaged children, children with
2 disabilities, and children at risk of future school failure,
3 from birth to age four, who are served at home through home
4 visitor programs and intensive parent education programs such
5 as the Florida First Start Program.

6 5. Children who meet federal and state requirements
7 for eligibility for the migrant preschool program but who do
8 not meet the criteria of "economically disadvantaged" as
9 defined in paragraph (b), who shall not pay a fee.

10 6. After the groups listed in subparagraphs 1., 2.,
11 3., and 4. have been served, 3-year-old and 4-year-old
12 children who are not economically disadvantaged and for whom a
13 fee is paid for the children's participation.

14 (b) An "economically disadvantaged" child shall be
15 defined as a child eligible to participate in the free lunch
16 program. Notwithstanding any change in a family's economic
17 status or in the federal eligibility requirements for free
18 lunch, a child who meets the eligibility requirements upon
19 initial registration for the program shall be considered
20 eligible until the child reaches kindergarten age. ~~In order
21 to assist the school district in establishing the priority in
22 which children shall be served, and to increase the efficiency
23 in the provision of child care services in each district, the
24 district shall enter into a written collaborative agreement
25 with other publicly funded early education and child care
26 programs within the district. Such agreement shall be
27 facilitated by the interagency coordinating council and shall
28 set forth, among other provisions, the measures to be
29 undertaken to ensure the programs' achievement and compliance
30 with the performance standards established in subsection (3)
31 and for maximizing the public resources available to each~~

1 ~~program. In addition, the central agency for state-subsidized~~
2 ~~child care or the local service district of the Department of~~
3 ~~Children and Family Services shall provide the school district~~
4 ~~with an updated list of 3-year-old and 4-year-old children~~
5 ~~residing in the school district who are on the waiting list~~
6 ~~for state-subsidized child care.~~

7 (3) STANDARDS.--

8 (a) Publicly supported preschool programs, including
9 prekindergarten early intervention, subsidized child care,
10 teen parent programs, Head Start, migrant programs, and
11 Chapter I programs shall employ a simplified point of entry to
12 the child care services system in every community. These
13 programs shall share the waiting lists for unserved children
14 in the community so that a count of eligible children is
15 maintained without duplications.

16 (b) The Florida Partnership for School Readiness, in
17 cooperation with the Department of Education and the
18 Department of Children and Family Services and in
19 consultation with the Legislature, shall develop a minimum set
20 of performance standards for publicly funded early education
21 and child care programs and a method for measuring the
22 progress of local school districts and central agencies in
23 meeting a desired set of outcomes based on these performance
24 measures. The defined outcomes must be consistent with the
25 state's first education goal, readiness to start school, and
26 must also consider efficiency measures such as the employment
27 of a simplified point of entry to the child care services
28 system, coordinated staff development programs, and other
29 efforts within the state to increase the opportunity for
30 welfare recipients to become self-sufficient. Performance
31 standards shall be developed for all levels of administration

1 of the programs, including individual programs and providers,
2 and must incorporate appropriate expectations for the type of
3 program and the setting in which care is provided.

4 (c) The program curriculum must be developmentally
5 appropriate according to current nationally recognized
6 recommendations for high-quality prekindergarten programs.

7 (d) A local school readiness coalition shall ~~School~~
8 ~~districts may~~ establish a sliding fee scale for participants.

9 (e) The ratio of direct instructional staff to
10 children must be 1 adult to 10 children, or a lower ratio.
11 Upon written request from a local school readiness coalition
12 ~~district~~, the Florida Partnership for School Readiness
13 ~~commissioner~~ may grant permission for a ratio of up to 1 adult
14 to 15 children for individual schools or centers for which a
15 1-to-10 ratio is ~~would not be~~ feasible.

16 (f) All staff must meet the following minimum
17 requirements:

18 1. The minimum level of training is to be the
19 completion of a 30-clock-hour training course planned jointly
20 by the Florida Partnership for School Readiness, the
21 Department of Education, and the Department of Children and
22 Family Services to include the following areas: state and
23 local rules that govern child care, health, safety, and
24 nutrition; identification and reporting ~~report~~ of child abuse
25 and neglect; child growth and development; use of
26 developmentally appropriate early childhood curricula; and
27 avoidance of income-based, race-based, and gender-based
28 stereotyping.

29 2. When individual programs ~~classrooms~~ are staffed by
30 certified teachers, those teachers must be certified for the
31 appropriate grade levels under s. 231.17 and State Board of

1 Education rules. Teachers who are not certified for the
2 appropriate grade levels must obtain proper certification
3 within 2 years. However, the commissioner may make an
4 exception on an individual basis when the requirements are not
5 met because of serious illness, injury, or other
6 extraordinary, extenuating circumstance.

7 3. When individual programs ~~classrooms~~ are staffed by
8 noncertified teachers, there must be a program director or
9 lead teacher who is eligible for certification or certified
10 for the appropriate grade levels pursuant to s. 231.17 and
11 State Board of Education rules in regularly scheduled direct
12 contact with each classroom. Notwithstanding s. 231.15, such
13 classrooms must be staffed by at least one person who has, at
14 a minimum, a child development associate credential (CDA) or
15 an amount of training determined by the commissioner to be
16 equivalent to or to exceed the minimum, such as an associate
17 in science degree in the area of early childhood education.

18 4. ~~Principals and other school district~~ Administrative
19 and supervisory personnel with direct responsibility for the
20 program must demonstrate knowledge of prekindergarten
21 education programs that increase children's chances of
22 achieving future educational success and becoming productive
23 members of society in a manner established by the State Board
24 of Education by rule.

25 5. All personnel who are not certified under s. 231.17
26 must comply with screening requirements under s. 231.02.

27 (g) Student participation must be contingent upon
28 parental involvement. The parental involvement activities
29 integral to the program must include program site-based
30 parental activities designed to fully involve parents in the
31 program and may include parenting education, home visitation

1 ~~visitor~~ activities, family support services coordination, and
2 other activities.

3 (h) Services are to be provided during a school day
4 and school year equal to or exceeding the requirements for
5 kindergarten under ss. 228.041 and 236.013. Strategies to
6 provide care before school, after school, and 12 months a
7 year, when needed, must be developed by the local school
8 coalition ~~district in cooperation with the central agency for~~
9 ~~state-subsidized child care or the local service district of~~
10 ~~the Department of Children and Family Services and the~~
11 ~~district interagency coordinating council. Programs may be~~
12 ~~provided on Saturdays and through other innovative scheduling~~
13 ~~arrangements.~~

14 ~~(i) The school district must make efforts to meet the~~
15 ~~first state education goal, readiness to start school,~~
16 ~~including the involvement of nonpublic schools, public and~~
17 ~~private providers of day care and early education, and other~~
18 ~~community agencies that provide services to young children.~~
19 ~~This may include private child care programs, subsidized child~~
20 ~~care programs, and Head Start programs. A written description~~
21 ~~of these efforts must be provided to the district interagency~~
22 ~~coordinating council on early childhood services.~~

23 ~~(i)(j)~~ Parents must be provided an option regarding a
24 child's participation at a school-based site or among
25 contracted sites, when such an option is appropriate and
26 within the coalition service area ~~school district~~. The local
27 school readiness coalition ~~district~~ may consider availability
28 of sites, transportation, staffing ratios, costs, and other
29 factors in determining the assignment and setting coalition
30 ~~district~~ guidelines. Parents may request and be assigned a
31 site other than one first assigned by the coalition ~~district~~,

1 provided the parents pay the cost of transporting the child to
2 the site of the parents' choice.

3 ~~(j)(k)~~ The local school readiness coalition or its
4 designee district must ~~coordinate with the central agency for~~
5 ~~state-subsidized child care or the local service district of~~
6 ~~the Department of Children and Family Services to verify~~
7 family participation in the welfare transition program, thus
8 ensuring accurate reporting and full utilization of federal
9 funds available through the Family Support Act, ~~and for the~~
10 ~~agency's or service district's sharing of the waiting list for~~
11 ~~state-subsidized child care under paragraph (a).~~

12 (4) EVALUATION.--Each local school readiness coalition
13 ~~district~~ shall conduct an evaluation of the effectiveness of
14 the prekindergarten early intervention program. This
15 evaluation shall include measures of the following:

16 (a) The children's achievement as measured by
17 assessments upon entry into the program and upon completion of
18 the program; and

19 (b) The children's readiness for kindergarten as
20 measured by the instrument the district uses to assess the
21 school readiness of all children entering kindergarten. The
22 results of this evaluation must be maintained by the Florida
23 Partnership for School Readiness ~~school district~~ and made
24 available to the public upon request.

25 (5) ANNUAL REPORT.--Each local school readiness
26 coalition that implements a prekindergarten early intervention
27 program under this section shall submit an annual report of
28 its program to the Florida Partnership for School Readiness
29 ~~district interagency coordinating council on early childhood~~
30 ~~services~~. The report must describe the overall program
31 operations; ~~activities of the district interagency~~

1 ~~coordinating council on early childhood services;~~
2 expenditures; the number of students served; ratio of staff to
3 children; staff qualifications; evaluation findings, including
4 identification of program components that were most
5 successful; and other information required by the partnership
6 ~~council or the state advisory council.~~

7 (6) FUNDING.--

8 (a) This section shall be implemented only to the
9 extent that funding is available. State funds appropriated
10 for the prekindergarten early intervention program may not be
11 used for the construction of new facilities, the
12 transportation of students, or the purchase of buses, but may
13 be used for educational field trips which enhance the
14 curriculum.

15 1. At least 70 percent of the total funds allocated to
16 each school readiness coalition under this section must be
17 used for implementing and conducting a prekindergarten early
18 intervention program or contracting with other public or
19 nonpublic entities for programs to serve eligible children.
20 The maximum amount to be spent per child for this purpose is
21 to be designated annually by the Florida Partnership for
22 School Readiness.

23 2. No more than 30 percent of the funds allocated to
24 each school readiness coalition under this section may be used
25 to enhance existing public and nonpublic programs for eligible
26 children, to provide before-school and after-school care for
27 children served under this section, to remodel or renovate
28 existing facilities under chapter 235, to lease or
29 lease-purchase facilities, to purchase classroom equipment to
30 allow the implementation of the prekindergarten early
31

1 intervention program, and to provide training for program
2 teachers and administrative personnel.

3 3. Funds may also be used pursuant to subparagraphs 1.
4 and 2. to provide the prekindergarten early intervention
5 program for more than 180 school days.

6 (b) A minimum grant for each school readiness
7 coalition is to be determined annually by the Florida
8 Partnership for School Readiness. The funds remaining after
9 allocating the minimum grants must be prorated based on an
10 allocation factor for each coalition and must be added to each
11 coalition's minimum grant. The allocation factor is to be
12 calculated as follows:

13
14 Coalition percentage School district
15 of state 3-year-old x 1/4 +percentage x 3/4
16 and 4-year-old of state total free
17 children lunches served

18
19 The calculation of each coalition's allocation factor is to be
20 based upon the official estimate of the total number of
21 3-year-old and 4-year-old children by the school district or
22 districts in the coalition's service area and the official
23 record of the Department of Education for K-12 student total
24 free lunches served by the school district for the prior
25 fiscal year. ~~For the fiscal year beginning July 1, 2000,~~
26 ~~nothing in this section shall be construed to limit the~~
27 ~~Department of Education's authority to distribute funds under~~
28 ~~this program to local school districts if the local school~~
29 ~~district is authorized by the local school readiness coalition~~
30 ~~plan to be the provider.~~

31 ~~(7) DISTRICT INTERAGENCY COORDINATING COUNCILS.--~~

1 ~~(a) To be eligible for a prekindergarten early~~
2 ~~intervention program, each school district must develop,~~
3 ~~implement, and evaluate its prekindergarten program in~~
4 ~~cooperation with a district interagency coordinating council~~
5 ~~on early childhood services.~~

6 ~~(b) Each district coordinating council must consist of~~
7 ~~at least 12 members to be appointed by the district school~~
8 ~~board, the county commission for the county in which~~
9 ~~participating schools are located, and the Department of~~
10 ~~Children and Family Services' district administrator and must~~
11 ~~include at least the following:~~

12 ~~1. One member who is a parent of a child enrolled in,~~
13 ~~or intending to enroll in, the public school prekindergarten~~
14 ~~program, appointed by the school board.~~

15 ~~2. One member who is a director or designated director~~
16 ~~of a prekindergarten program in the district, appointed by the~~
17 ~~school board.~~

18 ~~3. One member who is a member of a district school~~
19 ~~board, appointed by the school board.~~

20 ~~4. One member who is a representative of an agency~~
21 ~~serving children with disabilities, appointed by the~~
22 ~~Department of Children and Family Services' district~~
23 ~~administrator.~~

24 ~~5. Four members who are representatives of~~
25 ~~organizations providing prekindergarten educational services,~~
26 ~~one of whom is a representative of a Head Start Program,~~
27 ~~appointed by the Department of Children and Family Services'~~
28 ~~district administrator; one of whom is a representative of a~~
29 ~~Title XX subsidized child day care program, if such programs~~
30 ~~exist within the county, appointed by the Department of~~
31 ~~Children and Family Services' district administrator; and two~~

1 ~~of whom are private providers of preschool care and education~~
2 ~~to 3-year-old and 4-year-old children, one appointed by the~~
3 ~~county commission and one appointed by the Department of~~
4 ~~Children and Family Services' district administrator. If there~~
5 ~~is no Head Start Program or Title XX program operating within~~
6 ~~the county, these two members must represent community~~
7 ~~interests in prekindergarten education.~~

8 ~~6. Two members who are representatives of agencies~~
9 ~~responsible for providing social, medical, dental, adult~~
10 ~~literacy, or transportation services, one of whom represents~~
11 ~~the county health department, both appointed by the county~~
12 ~~commission.~~

13 ~~7. One member to represent a local child advocacy~~
14 ~~organization, appointed by the Department of Children and~~
15 ~~Family Services' district administrator.~~

16 ~~8. One member to represent the district K-3 program,~~
17 ~~appointed by the school board.~~

18 ~~(c) Each district interagency coordinating council~~
19 ~~shall:~~

20 ~~1. Assist district school boards in developing a plan~~
21 ~~or an amended plan to implement a prekindergarten early~~
22 ~~intervention program. The plan and all amendments must be~~
23 ~~signed by the council chair, the chair of the district school~~
24 ~~board, and the district school superintendent.~~

25 ~~2. Coordinate the delivery of educational, social,~~
26 ~~medical, child care, and other services.~~

27 Section 7. Section 230.2306, Florida Statutes, is
28 renumbered as section 412.54, Florida Statutes, and amended to
29 read:

30
31

1 412.54 ~~230.2306~~ Prekindergarten children service needs
2 assessments; reports; reasonable efforts by local school
3 readiness coalition district.--

4 (1) In each coalition service area county, the local
5 school readiness coalition district school board, the ~~central~~
6 ~~child care agency~~, the Head Start program, and a private
7 provider of preschool services, in cooperation with the
8 ~~district interagency coordinating council established under s.~~
9 ~~230.2305~~, shall:

10 (a) Assess the service needs of all preschool children
11 who are eligible for school readiness services subsidized
12 ~~child care~~ to identify those who require services beyond the
13 current 6-hour, 180-day prekindergarten program.

14 (b) Determine how many children are eligible for
15 school readiness programs for 3-year-olds and 4-year-olds
16 ~~prekindergarten programs~~, but are not enrolled because the
17 hours of availability do not meet the family's need.

18 (2) Each local school readiness coalition public
19 ~~school district~~ shall make reasonable efforts to accommodate
20 the needs of children for extended day and extended year
21 services without compromising the quality of the 6-hour,
22 180-day program. ~~The school district shall report on such~~
23 ~~efforts in the report submitted under this section.~~

24 Section 8. Paragraph (f) of subsection (4) of section
25 240.529, Florida Statutes, is amended to read:

26 240.529 Public accountability and state approval for
27 teacher preparation programs.--

28 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
29 subsection (3), failure by a public or nonpublic teacher
30 preparation program to meet the criteria for continued program
31 approval shall result in loss of program approval. The

1 Department of Education, in collaboration with the departments
2 and colleges of education, shall develop procedures for
3 continued program approval which document the continuous
4 improvement of program processes and graduates' performance.

5 (f)1. ~~Beginning with the 2000-2001 academic year,~~Each
6 Florida public and private institution that offers a
7 state-approved teacher preparation program must annually
8 report information regarding these programs to the state and
9 the general public. This information shall be reported in a
10 uniform and comprehensible manner that conforms with
11 definitions and methods proposed by the Education Standards
12 Commission, that is consistent with definitions and methods
13 approved by the Commissioner of the National Center for
14 Educational Statistics, and that is approved by the State
15 Board of Education. Beginning with the 2001-2002 academic
16 year, this information must include, at a minimum:

17 a. The percent of graduates obtaining full-time
18 teaching employment within the first year of graduation.

19 b. The average length of stay of graduates in their
20 full-time teaching positions.

21 c. Satisfaction ratings required in paragraph (e).

22 2. Beginning with the 2001-2002 academic year, each
23 public and private institution offering training for school
24 readiness-related professions, including training in the
25 fields of child care and early childhood education, whether
26 offering vocational credit, associate in science degree
27 programs, or associate in arts degree programs, shall annually
28 report information regarding these programs to the state and
29 the general public in a uniform and comprehensible manner that
30 conforms with definitions and methods proposed by the
31

1 Education Standards Commission. This information must include,
2 at a minimum:

3 a. Average length of stay of graduates in their
4 positions.

5 b. Satisfaction ratings of graduates' employers.
6

7 This information shall be reported through publications,
8 including college and university catalogs and promotional
9 materials sent to potential applicants, secondary school
10 guidance counselors, local school readiness coalitions, the
11 Florida Partnership for School Readiness, and prospective
12 employers of the institution's program graduates.

13 Section 9. Section 402.25, Florida Statutes, is
14 renumbered as section 412.55, Florida Statutes.

15 Section 10. Section 402.27, Florida Statutes, is
16 renumbered as section 412.551, Florida Statutes, and amended
17 to read:

18 412.551 ~~402.27~~ Child care and early childhood resource
19 and referral.--The Florida Partnership for School Readiness
20 ~~Department of Children and Family Services~~ shall establish a
21 statewide child care resource and referral network. Local
22 school readiness coalitions shall select the local child care
23 resource and referral provider to meet network data
24 requirements by July 1, 2002. ~~Preference shall be given to~~
25 ~~using the already established central agencies for subsidized~~
26 ~~child care as the child care resource and referral agency. If~~
27 ~~the agency cannot comply with the requirements to offer the~~
28 ~~resource information component or does not want to offer that~~
29 ~~service, the Department of Children and Family Services shall~~
30 ~~select the resource information agency based upon a request~~
31 ~~for proposal. At least one~~ Child care resource and referral

1 service agencies ~~agency~~ must be established by ~~in~~ each local
2 school readiness coalition ~~district of the department~~, but no
3 more than one may be established in any coalition service area
4 county. Child care resource and referral service agencies
5 shall provide the following services:

6 (1) Identification of existing public and private
7 child care and early childhood education services, including
8 child care services by public and private employers, and the
9 development of a resource file of those services. These
10 services may include family day care, public and private child
11 care programs, head start, prekindergarten early intervention
12 programs, special education programs for prekindergarten
13 handicapped children, services for children with developmental
14 disabilities, full-time and part-time programs, before-school
15 and after-school programs, vacation care programs, parent
16 education, the welfare transition ~~WAGES~~ program, and related
17 family support services. The resource file shall include, but
18 not be limited to:

- 19 (a) Type of program.
20 (b) Hours of service.
21 (c) Ages of children served.
22 (d) Number of children served.
23 (e) Significant program information.
24 (f) Fees and eligibility for services.
25 (g) Availability of transportation.

26 (2) The establishment of a referral process which
27 responds to parental need for information and which is
28 provided with full recognition of the confidentiality rights
29 of parents. Resource and referral programs shall make
30 referrals to licensed child care facilities. Referrals shall
31 be made to an unlicensed child care facility or arrangement

1 only if there is no requirement that the facility or
2 arrangement be licensed.

3 (3) Maintenance of ongoing documentation of requests
4 for service tabulated through the internal referral process.
5 The following documentation of requests for service shall be
6 maintained by all child care resource and referral agencies:

7 (a) Number of calls and contacts to the child care
8 information and referral agency component by type of service
9 requested.

10 (b) Ages of children for whom service was requested.

11 (c) Time category of child care requests for each
12 child.

13 (d) Special time category, such as nights, weekends,
14 and swing shift.

15 (e) Reason that the child care is needed.

16 (f) Name of the employer and primary focus of the
17 business.

18 (4) Provision of technical assistance to existing and
19 potential providers of child care services. This assistance
20 may include:

21 (a) Information on initiating new child care services,
22 zoning, and program and budget development and assistance in
23 finding such information from other sources.

24 (b) Information and resources which help existing
25 child care services providers to maximize their ability to
26 serve children and parents in their community.

27 (c) Information and incentives which could help
28 existing or planned child care services offered by public or
29 private employers seeking to maximize their ability to serve
30 the children of their working parent employees in their
31

1 community, through contractual or other funding arrangements
2 with businesses.

3 (5) Assistance to families and employers in applying
4 for various sources of subsidy including, but not limited to,
5 subsidized child care, head start, prekindergarten early
6 intervention programs, temporary assistance for needy families
7 ~~Project Independence~~, private scholarships, and the federal
8 dependent care tax credit.

9 (6) Assistance to state agencies in determining the
10 market rate for child care.

11 (7) Assistance in negotiating discounts or other
12 special arrangements with child care providers.

13 (8) Information and assistance regarding ~~to local~~
14 ~~interagency councils coordinating~~ services for prekindergarten
15 handicapped children.

16 (9) Assistance to families in identifying summer
17 recreation camp and summer day camp programs and in evaluating
18 the health and safety qualities of summer recreation camp and
19 summer day camp programs and in evaluating the health and
20 safety qualities of summer camp programs. Contingent upon
21 specific appropriation, a checklist of important health and
22 safety qualities that parents can use to choose their summer
23 camp programs shall be developed and distributed in a manner
24 that will reach parents interested in such programs for their
25 children.

26 (10) A child care facility licensed under s. 412.57
27 ~~402.305~~ and licensed and registered family day care homes must
28 provide the statewide child care and resource and referral
29 agencies with the following information annually:

30 (a) Type of program.

31 (b) Hours of service.

1 (c) Ages of children served.

2 (d) Fees and eligibility for services.

3 Section 11. Section 402.28, Florida Statutes, is
4 repealed.

5 Section 12. Section 402.281, Florida Statutes, is
6 renumbered as section 412.553, Florida Statutes, and
7 subsections (1) and (3) of that section are amended to read:

8 412.553 ~~402.281~~ Gold Seal Quality Care program.--

9 (1) ~~As part of the Gold Seal Quality Care program,~~The
10 Florida Partnership for School Readiness department shall
11 develop a ~~three-tiered~~ quality rating system for school
12 readiness programs. A Gold Seal Quality Care designation shall
13 be subsidized child care providers, with the highest quality
14 rating given to qualified child care providers ~~who receive the~~
15 ~~Gold Seal Quality Care designation pursuant to this section.~~

16 (3) In developing the Gold Seal Quality Care program
17 standards, the partnership department shall consult with the
18 Department of Education, the Florida Head Start Directors
19 Association, the Florida Association of Child Care Management,
20 the Florida Family Day Care Association, the Florida
21 Children's Forum, ~~the State Coordinating Council for School~~
22 ~~Readiness Programs,~~the Early Childhood Association of
23 Florida, the National Association for Child Development
24 Education, providers receiving exemptions under s. 412.68
25 ~~402.316~~, and parents, for the purpose of approving the
26 accrediting associations.

27 Section 13. Section 402.301, Florida Statutes, is
28 renumbered as section 412.554, Florida Statutes, and
29 subsections (1), (5), and (7) of that section are amended to
30 read:

31

1 412.554 ~~402.301~~ Child care facilities; legislative
2 intent and declaration of purpose and policy.--It is the
3 legislative intent to protect the health, safety, and
4 well-being of the children of the state and to promote their
5 emotional and intellectual development and care. Toward that
6 end:

7 (1) It is the purpose of ss. 412.554-412.70
8 ~~402.301-402.319~~ to establish statewide minimum standards for
9 the care and protection of children in child care facilities,
10 to ensure maintenance of these standards, and to approve
11 county administration and enforcement to regulate conditions
12 in such facilities through a program of licensing.

13 (5) It is the further legislative intent that the
14 freedom of religion of all citizens shall be inviolate.
15 Nothing in ss. 412.554-412.70 ~~402.301-402.319~~ shall give any
16 governmental agency jurisdiction or authority to regulate,
17 supervise, or in any way be involved in any Sunday School,
18 Sabbath School, or religious services or any nursery service
19 or other program conducted during religious or church services
20 primarily for the convenience of those attending such
21 services.

22 (7) It shall be the policy of the state to encourage
23 child care providers to serve children with disabilities.
24 When requested, the Florida Partnership for School Readiness
25 and local school readiness coalitions ~~department~~ shall provide
26 technical assistance to parents and child care providers in
27 order to facilitate serving children with disabilities.

28 Section 14. Section 402.3015, Florida Statutes, is
29 renumbered as section 412.555, Florida Statutes, and amended
30 to read:

31

1 412.555 ~~402.3015~~ Subsidized child care program;
2 purpose; fees; contracts.--

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

12 (a) Determined to be at risk of abuse, neglect, or
13 exploitation and who are currently clients of the ~~department's~~
14 Family Safety Program of the Department of Children and Family
15 Services Office;

16 (b) Children at risk of welfare dependency, including
17 children of participants in the welfare transition program,
18 children of migrant farmworkers, children of teen parents, and
19 children from other families at risk of welfare dependency ~~due~~
20 ~~to a family income of less than 100 percent of the federal~~
21 ~~poverty level~~;

22 (c) Children of working families whose family income
23 is equal to or greater than 100 percent, but does not exceed
24 150 percent, of the federal poverty level. The Florida
25 Partnership for School Readiness ~~department~~ may extend
26 eligibility to children of working families who are currently
27 in subsidized child care and whose family income does not
28 exceed 200 percent of the federal poverty level;

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; and

1 (e) Children of working families who participate in
2 the diversion program to strengthen Florida's families under
3 s. 445.018.

4 (2) To the extent resources are available, each child
5 in a family that is eligible may participate in the subsidized
6 child care program.

7 (3) Transitional child care shall be available for up
8 to 2 years after eligibility for the welfare transition ~~WAGES~~
9 program ends, at which time child care may continue under
10 paragraph (1)(b) or paragraph (1)(c), as applicable.

11 ~~(4) A child who is eligible for child care under this~~
12 ~~section may continue to participate in the subsidized child~~
13 ~~care program, if the family's income does not exceed 185~~
14 ~~percent of the federal poverty level.~~

15 ~~(5) The department shall establish a fee schedule for~~
16 ~~participants in the subsidized child care program. The fee~~
17 ~~schedule must be based on the total income of the family. Each~~
18 ~~participating family shall contribute to the cost of child~~
19 ~~care, unless prohibited by federal law.~~

20 (4)~~(6)~~(a) Child care services, unless directly
21 operated by a community child care coordinating agency, shall
22 be provided under a service agreement or by voucher, which
23 ensures, to the maximum extent possible, parental choice
24 through flexibility in child care arrangements and payment
25 arrangements. When used, a voucher must bear the name of the
26 beneficiary and the child care provider and, when redeemed,
27 must bear the signature of both the beneficiary and an
28 authorized representative of the child care provider. If it is
29 determined that a child care provider has provided any cash to
30 the beneficiary in return for receiving the voucher, the
31 license for each child care facility operated by the provider

1 shall be immediately revoked and any facility operated by the
2 provider is ineligible for relicensure for 3 years. Whether or
3 not the provider is licensed, the Agency for Workforce
4 Innovation department shall refer the matter to the Department
5 of Law Enforcement for investigation.

6 (b) Local school readiness coalitions or their
7 designees ~~The community child care coordinating agency~~ shall
8 monitor child care providers to ensure that appropriate
9 services are provided.

10 (c) Public funds may not be expended to a provider
11 unless the provider agrees to allow the local school readiness
12 coalition or its designee ~~community child care coordinating~~
13 ~~agency~~ access to fulfill its monitoring requirements.

14 (d) A licensed child care facility that provides
15 contracted services under the subsidized child care program
16 must provide at least 10 hours of child care each day, 261
17 days per year, excluding approved holidays.

18 (e) The Division of Risk Management of the Department
19 of Insurance shall provide coverage through the Agency for
20 Workforce Innovation department to coalitions and the
21 community child care coordinating agencies for the subsidized
22 child care program. The coverage shall be provided from the
23 general liability account of the State Risk Management Trust
24 Fund, and the coverage shall be primary. The coverage is
25 limited to general liability claims arising from the
26 management of the subsidized child care program under a
27 contract with the agency department and under guidelines
28 established through policy, rule, or law. Coverage shall be
29 limited as provided in ss. 284.38 and 284.385, and the
30 exclusions set forth therein, together with other exclusions
31 that are set forth in the certificate of coverage issued by

1 the trust fund, shall apply. A local school readiness
2 coalition or its designee ~~community child care coordinating~~
3 ~~agency~~ covered under the general liability account pursuant to
4 this paragraph shall immediately notify the Division of Risk
5 Management of the Department of Insurance of any potential or
6 actual claim.

7 ~~(5)(7)~~ To the extent funds are available, local school
8 readiness coalitions with approved plans ~~the department~~ shall
9 contract for support services for children ~~who are clients of~~
10 ~~the department's Child Care Services Program Office~~ and who
11 participate in the subsidized child care program. Support
12 services shall include, but need not be limited to,
13 transportation, child development programs, child nutrition
14 services, and parent training and family counseling
15 activities.

16 ~~(6)(8)~~ The local school readiness coalitions ~~community~~
17 ~~child care coordinating agencies~~ shall assist participants in
18 the welfare transition program and former participants of the
19 program who are eligible for subsidized child care in
20 developing cooperative child care arrangements whereby
21 participants support and assist one another in meeting child
22 care needs at minimal cost to the individual participant.

23 ~~(9)~~ ~~The central agency for state subsidized child care~~
24 ~~or the local service district of the Department of Children~~
25 ~~and Family Services shall cooperate with the local interagency~~
26 ~~coordinating council as defined in s. 230.2305 in the~~
27 ~~development of written collaborative agreements with each~~
28 ~~local school district.~~

29 ~~(a)~~ ~~The central agency shall develop in consultation~~
30 ~~with the local interagency council a plan for implementing and~~
31

1 ~~conducting a child care program. Such plan shall include the~~
2 ~~tentative budget and measures for maximizing public resources.~~

3 ~~(b) The department shall monitor each subsidized child~~
4 ~~care provider at least annually to determine compliance with~~
5 ~~the collaborative agreement facilitated by the local~~
6 ~~interagency coordinating council. If a provider fails to~~
7 ~~bring its program into compliance with the agreement or the~~
8 ~~plan within 3 months after an evaluation citing deficiencies,~~
9 ~~the department must withhold such administrative funds as have~~
10 ~~been allocated to the program and which have not yet been~~
11 ~~released.~~

12 ~~(7)(10)~~ A family that is eligible to participate in
13 the subsidized child care program shall be considered a needy
14 family for purposes of the program funded through the federal
15 Temporary Assistance for Needy Families (TANF) block grant, to
16 the extent permitted by the appropriation of funds.

17 ~~(8)(11)~~ The individual records of children enrolled in
18 subsidized child-care programs are confidential and are exempt
19 from the provisions of s. 119.07 and s. 24(a), Art. I of the
20 State Constitution. For the purposes of this subsection,
21 records include assessment data, health data, records of
22 teacher observations, and identifying data, including the
23 child's social security number. A parent, guardian, or
24 individual acting as a parent in the absence of a parent or
25 guardian, has the right to inspect and review the individual
26 subsidized child-care record of his or her child and to obtain
27 a copy of the record. The school readiness coalition and the
28 Florida Partnership for School Readiness shall have access to
29 individual children's records necessary to carry out their
30 assigned duties under ss. 216.136 and 412.51 ~~411.01~~. This
31 exemption is subject to the Open Government Sunset Review Act

1 of 1995 in accordance with s. 119.15 and shall stand repealed
2 on October 2, 2005, unless reviewed and saved from repeal
3 through reenactment by the Legislature.

4 Section 15. Section 402.3016, Florida Statutes, is
5 renumbered as section 412.556, Florida Statutes.

6 Section 16. Section 402.3017, Florida Statutes, is
7 renumbered as section 412.557, Florida Statutes, and
8 subsections (2) and (3) of that section are amended to read:

9 412.557 ~~402.3017~~ Teacher Education and Compensation
10 Helps (TEACH) scholarship program.--

11 (2) The Florida Partnership for School Readiness
12 ~~Department of Children and Family Services~~ is authorized to
13 contract for the administration of the Teacher Education and
14 Compensation Helps (TEACH) scholarship program, which provides
15 educational scholarships to caregivers and administrators of
16 early childhood programs, family day care homes, and large
17 family child care homes.

18 (3) The partnership department shall adopt rules as
19 necessary to implement this section.

20 Section 17. Section 402.3018, Florida Statutes, is
21 renumbered as section 412.558, Florida Statutes, and
22 subsections (1), (3), and (4) of that section are amended to
23 read:

24 412.558 ~~402.3018~~ Consultation to child care centers
25 and family day care homes regarding health, developmental,
26 disability, and special needs issues.--

27 (1) Contingent upon specific appropriations, the
28 Florida Partnership for School Readiness, through the Agency
29 for Workforce Innovation,~~department~~ is directed to contract
30 with the statewide resource information and referral agency
31 for a statewide toll-free Warm-Line for the purpose of

1 providing assistance and consultation to child care centers
2 and family day care homes regarding health, developmental,
3 disability, and special needs issues of the children they are
4 serving, particularly children with disabilities and other
5 special needs.

6 (3) The partnership ~~department~~ shall inform child care
7 centers and family day care homes of the availability of this
8 service, on an annual basis.

9 (4) Contingent upon specific appropriations, the
10 partnership ~~department~~ shall expand or contract for the
11 expansion of the Warm-Line from one statewide site to one
12 Warm-Line site in each local school readiness coalition
13 service area ~~child care resource and referral agency region~~.

14 Section 18. Section 402.302, Florida Statutes, is
15 renumbered as section 412.56, Florida Statutes, and amended to
16 read:

17 412.56 ~~402.302~~ Definitions.--As used in this chapter,
18 the term:

19 (1) "Agency" means the Agency for Workforce
20 Innovation.

21 (2)~~(1)~~ "Child care" means the care, protection, and
22 supervision of a child, for a period of less than 24 hours a
23 day on a regular basis, which supplements parental care,
24 enrichment, and health supervision for the child, in
25 accordance with his or her individual needs, and for which a
26 payment, fee, or grant is made for care.

27 (3)~~(2)~~ "Child care facility" includes any child care
28 center or child care arrangement which provides child care for
29 more than five children unrelated to the operator and which
30 receives a payment, fee, or grant for any of the children

31

1 receiving care, wherever operated, and whether or not operated
2 for profit. The following are not included:

3 (a) Public schools and nonpublic schools and their
4 integral programs, except as provided in s. 412.561 ~~402.3025~~;

5 (b) Summer camps having children in full-time
6 residence;

7 (c) Summer day camps;

8 (d) Bible schools normally conducted during vacation
9 periods; and

10 (e) Operators of transient establishments, as defined
11 in chapter 509, which provide child care services solely for
12 the guests of their establishment or resort, provided that all
13 child care personnel of the establishment are screened
14 according to the level 2 screening requirements of chapter
15 435.

16 (4)~~(3)~~ "Child care personnel" means all owners,
17 operators, employees, and volunteers working in a child care
18 facility. The term does not include persons who work in a
19 child care facility after hours when children are not present
20 or parents of children in Head Start. For purposes of
21 screening, the term includes any member, over the age of 12
22 years, of a child care facility operator's family, or person,
23 over the age of 12 years, residing with a child care facility
24 operator if the child care facility is located in or adjacent
25 to the home of the operator or if the family member of, or
26 person residing with, the child care facility operator has any
27 direct contact with the children in the facility during its
28 hours of operation. Members of the operator's family or
29 persons residing with the operator who are between the ages of
30 12 years and 18 years shall not be required to be
31 fingerprinted but shall be screened for delinquency records.

1 For purposes of screening, the term shall also include persons
2 who work in child care programs which provide care for
3 children 15 hours or more each week in public or nonpublic
4 schools, summer day camps, family day care homes, or those
5 programs otherwise exempted under s. 412.68 ~~402.316~~. The term
6 does not include public or nonpublic school personnel who are
7 providing care during regular school hours, or after hours for
8 activities related to a school's program for grades
9 kindergarten through 12 as required under chapter 232. A
10 volunteer who assists on an intermittent basis for less than
11 40 hours per month is not included in the term "personnel" for
12 the purposes of screening and training, provided that the
13 volunteer is under direct and constant supervision by persons
14 who meet the personnel requirements of s. 412.57(2)
15 ~~402.305(2)~~. Students who observe and participate in a child
16 care facility as a part of their required coursework shall not
17 be considered child care personnel, provided such observation
18 and participation are on an intermittent basis and the
19 students are under direct and constant supervision of child
20 care personnel.

21 (5)~~(4)~~ "Department" means the Department of Children
22 and Family Services.

23 (6)~~(5)~~ "Drop-in child care" means child care provided
24 occasionally in a child care facility in a shopping mall or
25 business establishment where a child is in care for no more
26 than a 4-hour period and the parent remains on the premises of
27 the shopping mall or business establishment at all times.
28 Drop-in child care arrangements shall meet all requirements
29 for a child care facility unless specifically exempted.

30 (7)~~(6)~~ "Evening child care" means child care provided
31 during the evening hours and may encompass the hours of 6:00

1 p.m. to 7:00 a.m. to accommodate parents who work evenings and
2 late-night shifts.

3 (8)~~(7)~~ "Family day care home" means an occupied
4 residence in which child care is regularly provided for
5 children from at least two unrelated families and which
6 receives a payment, fee, or grant for any of the children
7 receiving care, whether or not operated for profit. A family
8 day care home shall be allowed to provide care for one of the
9 following groups of children, which shall include those
10 children under 13 years of age who are related to the
11 caregiver:

12 (a) A maximum of four children from birth to 12 months
13 of age.

14 (b) A maximum of three children from birth to 12
15 months of age, and other children, for a maximum total of six
16 children.

17 (c) A maximum of six preschool children if all are
18 older than 12 months of age.

19 (d) A maximum of 10 children if no more than 5 are
20 preschool age and, of those 5, no more than 2 are under 12
21 months of age.

22 (9)~~(8)~~ "Large family child care home" means an
23 occupied residence in which child care is regularly provided
24 for children from at least two unrelated families, which
25 receives a payment, fee, or grant for any of the children
26 receiving care, whether or not operated for profit, and which
27 has at least two full-time child care personnel on the
28 premises during the hours of operation. One of the two
29 full-time child care personnel must be the owner or occupant
30 of the residence. A large family child care home must first
31 have operated as a licensed family day care home for 2 years,

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

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

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

12 (10)~~(9)~~ "Indoor recreational facility" means an indoor
13 commercial facility which is established for the primary
14 purpose of entertaining children in a planned fitness
15 environment through equipment, games, and activities in
16 conjunction with food service and which provides child care
17 for a particular child no more than 4 hours on any one day. An
18 indoor recreational facility must be licensed as a child care
19 facility under s. 412.57 ~~402.305~~, but is exempt from the
20 minimum outdoor-square-footage-per-child requirement specified
21 in that section, if the indoor recreational facility has, at a
22 minimum, 3,000 square feet of usable indoor floor space.

23 (11)~~(10)~~ "Local licensing agency" means any agency or
24 individual designated by the county to license child care
25 facilities.

26 (12)~~(11)~~ "Operator" means any onsite person ultimately
27 responsible for the overall operation of a child care
28 facility, whether or not he or she is the owner or
29 administrator of such facility.

30 (13)~~(12)~~ "Owner" means the person who is licensed to
31 operate the child care facility.

1 (14) "Partnership" means the Florida Partnership for
2 School Readiness.

3 (15)~~(13)~~ "Screening" means the act of assessing the
4 background of child care personnel and includes, but is not
5 limited to, employment history checks, local criminal records
6 checks through local law enforcement agencies, fingerprinting
7 for all purposes and checks in this subsection, statewide
8 criminal records checks through the Department of Law
9 Enforcement, and federal criminal records checks through the
10 Federal Bureau of Investigation; except that screening for
11 volunteers included under the definition of personnel includes
12 only local criminal records checks through local law
13 enforcement agencies for current residence and residence
14 immediately prior to employment as a volunteer, if different,
15 and statewide criminal records correspondence checks through
16 the Department of Law Enforcement.

17 ~~(14)~~ "Secretary" means the Secretary of Children and
18 ~~Family Services.~~

19 (16)~~(15)~~ "Substantial compliance" means that level of
20 adherence which is sufficient to safeguard the health, safety,
21 and well-being of all children under care. Substantial
22 compliance is greater than minimal adherence but not to the
23 level of absolute adherence. Where a violation or variation
24 is identified as the type which impacts, or can be reasonably
25 expected within 90 days to impact, the health, safety, or
26 well-being of a child, there is no substantial compliance.

27 (17)~~(16)~~ "Weekend child care" means child care
28 provided between the hours of 6 p.m. on Friday and 6 a.m. on
29 Monday.

30
31

1 Section 19. Section 402.3025, Florida Statutes, is
2 renumbered as section 412.561, Florida Statutes, and amended
3 to read:

4 412.561 ~~402.3025~~ Public and nonpublic schools.--For
5 the purposes of ss. 412.554-412.70 ~~402.301-402.319~~, the
6 following shall apply:

7 (1) PUBLIC SCHOOLS.--

8 (a) The following programs for children shall not be
9 deemed to be child care and shall not be subject to the
10 provisions of ss. 412.554-412.70 ~~402.301-402.319~~:

11 1. Programs for children in 5-year-old kindergarten
12 and grades one or above.

13 2. Programs for children who are at least 3 years of
14 age, but who are under 5 years of age, provided the programs
15 are operated and staffed directly by the schools and provided
16 the programs meet age-appropriate standards as adopted by the
17 State Board of Education.

18 3. Programs for children under 3 years of age who are
19 eligible for participation in the programs under the existing
20 or successor provisions of Pub. L. No. 94-142 or Pub. L. No.
21 ~~99-457, provided the programs are operated and staffed~~
22 ~~directly by the schools and provided the programs meet~~
23 ~~age-appropriate standards as adopted by the State Board of~~
24 ~~Education.~~

25 (b) The following programs for children shall be
26 deemed to be child care and shall be subject to the provisions
27 of ss. 412.554-412.70 ~~402.301-402.319~~:

28 1. Programs for children who are under 5 years of age
29 when the programs are not operated and staffed directly by the
30 schools.

31

1 2. Programs for children under 3 years of age who are
2 not eligible for participation in the programs under existing
3 or successor provisions of Pub. L. No. 94-142 or Pub. L. No.
4 99-457.

5 (c) The agency ~~State Board of Education~~ shall adopt
6 rules to implement this subsection, including standards for
7 programs in subparagraphs (a)2. and 3., which recognize the
8 vulnerability of children under 5 years of age and make
9 special provisions to ensure their health and safety. Such
10 rules shall include, but not be limited to, facilities,
11 personnel staffing and qualifications, transportation, and
12 health and safety practices. In preparing such rules, the
13 agency ~~Commissioner of Education~~ shall review the standards
14 already existing in the state and the recommendations of
15 appropriate professional and accreditation agencies.

16 (d) The monitoring and enforcement of compliance with
17 age-appropriate standards established by rule of the agency
18 ~~State Board of Education~~ shall be the responsibility of the
19 agency ~~Department of Education~~.

20 (2) NONPUBLIC SCHOOLS.--

21 (a) Programs for children under 3 years of age shall
22 be deemed to be child care and subject to the provisions of
23 ss. 412.554-412.70 ~~402.301-402.319~~.

24 (b) Programs for children in 5-year-old kindergarten
25 and grades one or above shall not be deemed to be child care
26 and shall not be subject to the provisions of ss.
27 412.554-412.70 ~~402.301-402.319~~.

28 (c) Programs for children who are at least 3 years of
29 age, but under 5 years of age, shall not be deemed to be child
30 care and shall not be subject to the provisions of ss.
31 412.554-412.70 ~~402.301-402.319~~ relating to child care

1 facilities, provided the programs in the schools are operated
2 and staffed directly by the schools, provided a majority of
3 the children enrolled in the schools are 5 years of age or
4 older, and provided there is compliance with the screening
5 requirements for personnel pursuant to s. 412.57 ~~402.305~~ or s.
6 412.575 ~~402.3057~~. A nonpublic school may designate certain
7 programs as child care, in which case these programs shall be
8 subject to the provisions of ss. 412.554-412.70
9 ~~402.301-402.319~~.

10 (d)1. Programs for children who are at least 3 years
11 of age, but under 5 years of age, which are not licensed under
12 ss. 412.554-412.70 ~~402.301-402.319~~ shall substantially comply
13 with the minimum child care standards promulgated pursuant to
14 ss. 412.57-412.575 ~~402.305-402.3057~~.

15 2. The agency ~~department~~ or local licensing agency
16 shall enforce compliance with such standards, where possible,
17 to eliminate or minimize duplicative inspections or visits by
18 staff enforcing the minimum child care standards and staff
19 enforcing other standards under the jurisdiction of the agency
20 ~~department~~.

21 3. The agency ~~department~~ or local licensing agency may
22 commence and maintain all proper and necessary actions and
23 proceedings for any or all of the following purposes:

24 a. To protect the health, sanitation, safety, and
25 well-being of all children under care.

26 b. To enforce its rules and regulations.

27 c. To use corrective action plans, whenever possible,
28 to attain compliance prior to the use of more restrictive
29 enforcement measures.

30 d. To make application for injunction to the proper
31 circuit court, and the judge of that court shall have

1 jurisdiction upon hearing and for cause shown to grant a
2 temporary or permanent injunction, or both, restraining any
3 person from violating or continuing to violate any of the
4 provisions of ss. 412.554-412.70 ~~402.301-402.319~~. Any
5 violation of this section or of the standards applied under
6 ss. 412.57-412.575 ~~402.305-402.3057~~ which threatens harm to
7 any child in the school's programs for children who are at
8 least 3 years of age, but are under 5 years of age, or
9 repeated violations of this section or the standards under ss.
10 412.57-412.575 ~~402.305-402.3057~~, shall be grounds to seek an
11 injunction to close a program in a school.

12 e. To impose an administrative fine, not to exceed
13 \$100, for each violation of the minimum child care standards
14 promulgated pursuant to ss. 412.57-412.575 ~~402.305-402.3057~~.

15 4. It is a misdemeanor of the first degree, punishable
16 as provided in s. 775.082 or s. 775.083, for any person
17 willfully, knowingly, or intentionally to:

18 a. Fail, by false statement, misrepresentation,
19 impersonation, or other fraudulent means, to disclose in any
20 required written documentation for exclusion from licensure
21 pursuant to this section a material fact used in making a
22 determination as to such exclusion; or

23 b. Use information from the criminal records obtained
24 under s. 412.57 ~~402.305~~ or s. 412.574 ~~402.3055~~ for any purpose
25 other than screening that person for employment as specified
26 in those sections or release such information to any other
27 person for any purpose other than screening for employment as
28 specified in those sections.

29 5. It is a felony of the third degree, punishable as
30 provided in s. 775.082, s. 775.083, or s. 775.084, for any
31 person willfully, knowingly, or intentionally to use

1 information from the juvenile records of any person obtained
2 under s. 412.57 ~~402.305~~ or s. 412.574 ~~402.3055~~ for any purpose
3 other than screening for employment as specified in those
4 sections or to release information from such records to any
5 other person for any purpose other than screening for
6 employment as specified in those sections.

7 (e) The agency ~~department~~ and the nonpublic school
8 accrediting agencies are encouraged to develop agreements to
9 facilitate the enforcement of the minimum child care standards
10 as they relate to the schools which the agencies accredit.

11 (3) INSPECTION FEE.--The agency ~~department~~ shall
12 establish by rule a fee for inspection activities performed
13 pursuant to this section, in an amount sufficient to cover
14 costs. However, the amount of such fee for the inspection of
15 a school shall not exceed the fee imposed for child care
16 licensure pursuant to s. 412.567 ~~402.315~~.

17 Section 20. Section 402.3027, Florida Statutes, is
18 renumbered as section 412.562, Florida Statutes, and amended
19 to read:

20 412.562 ~~402.3027~~ Observation and assessment of young
21 children in school readiness ~~subsidized child care~~
22 programs.--The partnership ~~Department of Children and Family~~
23 ~~Services~~ is directed to establish a system for the behavioral
24 observation and developmental assessment of young children in
25 school readiness ~~subsidized child care~~ programs, to assist in
26 determining appropriate developmental age level, the need for
27 formal developmental assessment, or the need to make referrals
28 for necessary early intervention programs and specialized
29 services.

30 (1) DEFINITIONS.--

31

1 (a) "Developmental assessment test" means a
2 standardized assessment test designed to identify normal child
3 development or developmental delays.

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

7 (c) "Developmental observation checklist" means a
8 behavioral observation instrument used to identify
9 developmental milestones.

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

14 (e) "School readiness tests" means tests designed to
15 assess a child's level of preparedness for an academic
16 program.

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

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

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

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

29 (d) Standardized assessment tests and diagnostic
30 assessments tests shall only be administered by professional
31 and trained staff.

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

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

7 (3) PROCEDURES.--The partnership ~~department~~ shall
8 implement the following assessment procedures for all children
9 in a subsidized child care arrangement:

10 (a) Level I assessment.--

11 1. The purpose of Level I assessment is to identify
12 and monitor normal development or possible developmental
13 delay.

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

18 3. The results indicated by the checklist shall be
19 reviewed by the facility's child development associate or by
20 the community child care coordinating agency.

21 4. The partnership ~~department~~ shall establish
22 procedures to provide feedback to parents regarding observed
23 development and activities, including parent training, to
24 enhance the child's cognitive, psychomotor, and social skills.

25 (b) Level II assessment.--

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

30 2. Level II assessment shall be conducted by trained
31 professional staff.

1 3. The partnership ~~department~~ shall establish
2 procedures to:

3 a. Develop individualized learning plans for
4 implementation by the primary caregiver.

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

7 c. Adopt and offer a program of parent training and
8 home visits.

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

17 Section 21. Section 402.3028, Florida Statutes, is
18 renumbered as section 412.563, Florida Statutes, and amended
19 to read:

20 412.563 ~~402.3028~~ Referral for assessment.--The Florida
21 Partnership for School Readiness, the Department of Children
22 and Family Services, the Department of Health, and the
23 Department of Education shall implement the following
24 procedures for making referrals for Level III assessment
25 pursuant to s. 412.562 ~~402.3027~~:

26 (1) Children under 3 years of age who are in the
27 subsidized child care program and are identified as needing a
28 Level III developmental assessment pursuant to s. 412.562
29 ~~402.3027~~ shall be referred to the Early Intervention for
30 Infants and Toddlers with Disabilities Program of the
31 Department of Health, funded under the federal Individuals

1 with Disabilities Education Act, Pub. L. No. 105-17, Part C.
2 Assessments shall be completed within 45 days after the
3 referral. If the Early Intervention for Infants and Toddlers
4 with Disabilities Program is not available, referral may be
5 made to a local community service provider.

6 (2) Children age 3 years through 5 years who are in
7 the subsidized child care program and are identified as
8 needing a Level III developmental assessment pursuant to s.
9 412.562 ~~402.3027~~ shall be referred to the appropriate program
10 under the local school district or appropriate local service
11 provider. It is the intent of the Legislature that these
12 assessments be completed within 45 days because of the
13 critical nature of child development at this age.

14 (3) Services to children with disabilities under this
15 section shall be integrated and delivered with child care
16 programs to the extent possible.

17 (4) Nothing in this section prohibits a school
18 readiness ~~subsidized child care~~ program from referring a child
19 to Medicaid or the Florida KidCare program to determine
20 eligibility for services, or from making a referral to a
21 child's primary health care provider.

22 Section 22. Section 402.305, Florida Statutes, is
23 renumbered as section 412.57, Florida Statutes, and
24 subsections (1) through (7) and (16) through (19) of that
25 section are amended to read:

26 412.57 ~~402.305~~ Licensing standards; child care
27 facilities.--

28 (1) LICENSING STANDARDS.--The agency ~~department~~ shall
29 establish licensing standards that each licensed child care
30 facility must meet regardless of the origin or source of the
31

1 fees used to operate the facility or the type of children
2 served by the facility.

3 (a) The standards shall be designed to address the
4 following areas:

5 1. The health, sanitation, safety, and adequate
6 physical surroundings for all children in child care.

7 2. The health and nutrition of all children in child
8 care.

9 3. The child development needs of all children in
10 child care.

11 (b) All standards established under ss. 412.554-412.70
12 ~~402.301-402.319~~ must be consistent with the rules adopted by
13 the State Fire Marshal for child care facilities. However, if
14 the facility is operated in a public school, the agency
15 ~~department~~ shall use the public school fire code, as provided
16 in the rules of the Department of Education, as the minimum
17 standard for firesafety.

18 (c) The minimum standards for child care facilities
19 shall be adopted in the rules of the agency ~~department~~ and
20 shall address the areas delineated in this section. The agency
21 ~~department~~, in adopting rules to establish minimum standards
22 for child care facilities, shall recognize that different age
23 groups of children may require different standards. The agency
24 ~~department~~ may adopt different minimum standards for
25 facilities that serve children in different age groups,
26 including school-age children.

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

29 (a) Good moral character based upon screening. This
30 screening shall be conducted as provided in chapter 435, using
31 the level 2 standards for screening set forth in that chapter.

1 (b) The agency ~~department~~ may grant exemptions from
2 disqualification from working with children or the
3 developmentally disabled as provided in s. 435.07.

4 (c) Minimum age requirements. Such minimum standards
5 shall prohibit a person under the age of 21 from being the
6 operator of a child care facility and a person under the age
7 of 16 from being employed at such facility unless such person
8 is under direct supervision and is not counted for the
9 purposes of computing the personnel-to-child ratio.

10 (d) Minimum training requirements for child care
11 personnel.

12 1. Such minimum standards for training shall ensure
13 that all child care personnel and operators of family day care
14 homes serving at-risk children in a subsidized child care
15 program pursuant to s. 412.555 ~~402.3015~~ take an approved
16 40-clock-hour introductory course in child care, which course
17 covers at least the following topic areas:

18 a. State and local rules and regulations which govern
19 child care.

20 b. Health, safety, and nutrition.

21 c. Identifying and reporting child abuse and neglect.

22 d. Child development, including typical and atypical
23 language, cognitive, motor, social, and self-help skills
24 development.

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

28 f. Specialized areas, as determined by the department,
29 for owner-operators and child care personnel of a child care
30 facility.

31

1 Within 90 days of employment, child care personnel shall begin
2 training to meet the training requirements and shall complete
3 such training within 1 year of the date on which the training
4 began. Exemption from all or a portion of the required
5 training shall be granted to child care personnel based upon
6 educational credentials or passage of competency examinations.

7 2. The introductory course in child care shall stress,
8 to the extent possible, an interdisciplinary approach to the
9 study of children.

10 3. On an annual basis in order to further their child
11 care skills and, if appropriate, administrative skills, child
12 care personnel who have fulfilled the requirements for the
13 child care training shall be required to take an additional
14 approved 8 clock hours of inservice training or an equivalent
15 as determined by the agency ~~department~~.

16 4. Procedures for ensuring the training of qualified
17 child care professionals to provide training of child care
18 personnel, including onsite training, shall be included in the
19 minimum standards. It is recommended that the state community
20 child care coordination agencies (central agencies) be
21 contracted by the agency ~~department~~ to coordinate such
22 training when possible. Other district educational resources,
23 such as community colleges and vocational-technical programs,
24 can be designated in such areas where central agencies may not
25 exist or are determined not to have the capability to meet the
26 coordination requirements set forth by the agency ~~department~~.

27 5. Training requirements shall not apply to certain
28 occasional or part-time support staff, including, but not
29 limited to, swimming instructors, piano teachers, dance
30 instructors, and gymnastics instructors.

31

1 6. The partnership ~~State Coordinating Council for~~
2 ~~School Readiness Programs, in coordination with the~~
3 ~~department,~~ shall evaluate or contract for an evaluation for
4 the general purpose of determining the status of and means to
5 improve staff training requirements and testing procedures.
6 The evaluation shall be completed by October 1, 1992, and
7 conducted every 2 years thereafter. The evaluation shall
8 include, but not be limited to, determining the availability,
9 quality, scope, and sources of current staff training;
10 determining the need for specialty training; and determining
11 ways to increase inservice training and ways to increase the
12 accessibility, quality, and cost-effectiveness of current and
13 proposed staff training. The evaluation methodology shall
14 include a reliable and valid survey of child care personnel.

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

19 (e) Periodic health examinations.

20 (f) ~~By January 1, 2000,~~A credential for child care
21 facility directors. By January 1, 2003, the credential shall
22 be a required minimum standard for licensing.

23 (3) MINIMUM STAFF CREDENTIALS.--~~By July 1, 1996,~~For
24 every 20 children in a licensed child care facility, if the
25 facility operates 8 hours or more per week, one of the child
26 care personnel in the facility must have:

27 (a) A child development associate credential;

28 (b) A child care professional credential, unless the
29 agency ~~department~~ determines that such child care professional
30 credential is not equivalent to or greater than a child
31 development associate credential; or

1 (c) A credential that is equivalent to or greater than
2 the credential required in paragraph (a) or paragraph (b).

3
4 The agency, with consultation from the partnership,~~department~~
5 shall establish by rule those hours of operation, such as
6 during rest periods and transitional periods, when this
7 subsection does not apply.

8 (4) STAFF-TO-CHILDREN RATIO.--

9 (a) Minimum standards for the care of children in a
10 licensed child care facility as established by rule of the
11 agency ~~department~~ must include:

12 1. For children from birth through 1 year of age,
13 there must be one child care personnel for every four
14 children.

15 2. For children 1 year of age or older, but under 2
16 years of age, there must be one child care personnel for every
17 six children.

18 3. For children 2 years of age or older, but under 3
19 years of age, there must be one child care personnel for every
20 11 children.

21 4. For children 3 years of age or older, but under 4
22 years of age, there must be one child care personnel for every
23 15 children.

24 5. For children 4 years of age or older, but under 5
25 years of age, there must be one child care personnel for every
26 20 children.

27 6. For children 5 years of age or older, there must be
28 one child care personnel for every 25 children.

29 7. When children 2 years of age and older are in care,
30 the staff-to-children ratio shall be based on the age group
31 with the largest number of children within the group.

1 (b) This subsection does not apply to nonpublic
2 schools and their integral programs as defined in s.
3 412.561(2)(d)~~1.402.3025(2)(d)1~~. In addition, an individual
4 participating in a community service work experience activity
5 under s. 445.024(1)(d), or a work experience activity under s.
6 445.024(1)(e), at a child care facility may not be considered
7 in calculating the staff-to-children ratio.

8 (5) PHYSICAL FACILITIES.--Minimum standards shall
9 include requirements for building conditions, indoor play
10 space, outdoor play space, napping space, bathroom facilities,
11 food preparation facilities, outdoor equipment, and indoor
12 equipment. Because of the nature and duration of drop-in child
13 care, outdoor play space and outdoor equipment shall not be
14 required for licensure; however, if such play space and
15 equipment are provided, then the minimum standards shall apply
16 to drop-in child care. With respect to minimum standards for
17 physical facilities of a child care program for school-age
18 children which is operated in a public school facility, the
19 agency department shall adopt the State Uniform Building Code
20 for Public Educational Facilities Construction as the minimum
21 standards, regardless of the operator of the program. The
22 Legislature intends that if a child care program for
23 school-age children is operated in a public school, the
24 program need not conform to standards for physical facilities
25 other than the standards adopted by the Commissioner of
26 Education.

27 (6) SQUARE FOOTAGE PER CHILD.--Minimum standards shall
28 be established by the agency department by rule.

29 (a) A child care facility that holds a valid license
30 on October 1, 1992, must have a minimum of 20 square feet of
31 usable indoor floor space for each child and a minimum of 45

1 square feet of usable outdoor play area for each child.
2 Outdoor play area shall be calculated at the rate of 45 feet
3 per child in any group using the play area at one time. A
4 minimum play area shall be provided for one half of the
5 licensed capacity. This standard applies as long as the child
6 care facility remains licensed at the site occupied on October
7 1, 1992, and shall not be affected by any change in the
8 ownership of the site.

9 (b) A child care facility that does not hold a valid
10 license on October 1, 1992, and seeks regulatory approval to
11 operate as a child care facility must have a minimum of 35
12 square feet of usable floor space for each child and a minimum
13 of 45 square feet of usable outdoor play area for each child.

14
15 The minimum standard for outdoor play area does not apply in
16 calculating square footage for children under 1 year of age.
17 However, appropriate outdoor infant equipment shall be
18 substituted for outdoor play space. The centers shall provide
19 facilities and equipment conducive to the physical activities
20 appropriate for the age and physical development of the child.

21 (7) SANITATION AND SAFETY.--

22 (a) Minimum standards shall include requirements for
23 sanitary and safety conditions, first aid treatment, emergency
24 procedures, and pediatric cardiopulmonary resuscitation. The
25 minimum standards shall require that at least one staff person
26 trained in cardiopulmonary resuscitation, as evidenced by
27 current documentation of course completion, must be present at
28 all times that children are present.

29 (b) In the case of a child care program for school-age
30 children attending before and after school programs on the
31 public school site, the agency ~~department~~ shall use the public

1 school fire code, as promulgated in the rules of the
2 Department of Education, as the minimum standard for
3 firesafety. In the case of a child care program for
4 school-age children attending before-school and after-school
5 programs on a site operated by a municipality, the agency
6 ~~department~~ shall adopt rules for such site and intended use.

7 (c) Some type of communications system, such as a
8 pocket pager or beeper, shall be provided to a parent whose
9 child is in drop-in child care to ensure the immediate return
10 of the parent to the child, if necessary.

11 (16) EVENING AND WEEKEND CHILD CARE.--Minimum
12 standards shall be developed by the agency ~~department~~ to
13 provide for reasonable, affordable, and safe evening and
14 weekend child care. Each facility offering evening or weekend
15 child care must meet these minimum standards, regardless of
16 the origin or source of the fees used to operate the facility
17 or the type of children served by the facility. The agency
18 ~~department~~ may modify by rule the licensing standards
19 contained in this section to accommodate evening child care.

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

31

1 ~~(18) CHILD CARE TECHNICAL REVIEW PANEL.-- There is~~
2 ~~hereby created a child care technical review panel, appointed~~
3 ~~by the Chair of the State Coordinating Council for School~~
4 ~~Readiness Programs, established by s. 411.222, to develop~~
5 ~~recommendations for inclusion, unedited, in the State~~
6 ~~Coordinating Council for School Readiness Programs annual~~
7 ~~report as required by s. 411.222(6), and provide technical~~
8 ~~assistance to the department for the adoption of rules for~~
9 ~~licensing child care facilities in accordance with the minimum~~
10 ~~standards established in this section. The review panel must~~
11 ~~consist of seven members, five of whom must be:~~

12 ~~(a) An owner or operator of a subsidized child care~~
13 ~~facility;~~

14 ~~(b) An owner or operator of a proprietary child care~~
15 ~~facility;~~

16 ~~(c) An owner or operator of a licensed church child~~
17 ~~care facility;~~

18 ~~(d) A child care provider that has attained a child~~
19 ~~development associate credential; and~~

20 ~~(e) A child care provider that has attained a child~~
21 ~~care professional credential.~~

22
23 ~~The technical review panel members shall be appointed for a~~
24 ~~term of 3 years each. No member shall serve more than two~~
25 ~~consecutive terms.~~

26 (18)~~(19)~~ TRANSFER OF OWNERSHIP.--

27 (a) One week prior to the transfer of ownership of a
28 child care facility or family day care home, the transferor
29 shall notify the parent or caretaker of each child of the
30 impending transfer.

31

1 (b) The agency ~~department~~ shall, by rule, establish
2 methods by which notice will be achieved and minimum standards
3 by which to implement this subsection.

4 Section 23. Section 402.3051, Florida Statutes, is
5 renumbered as section 412.571, Florida Statutes, and amended
6 to read:

7 412.571 ~~402.3051~~ Child care market rate reimbursement;
8 child care grants.--

9 (1) As used in this section, the term:

10 (a) "School readiness ~~child care~~ program assessment
11 tool" means an assessment instrument designated or developed
12 by the partnership ~~department~~ to determine quality child care
13 and other child development services to children under the
14 provision of s. 412.555 ~~402.3015~~, Title IV-A of the Social
15 Security Act, and the Child Care and Development Block Grant
16 Act of 1990.

17 (b) "Market rate" means the price that a child care
18 provider charges for daily, weekly, or monthly child care
19 services. Market rate shall:

20 1. Be established for licensed child care facilities
21 or facilities that are not subject to s. 412.57 ~~402.305~~,
22 licensed or registered family day care homes, licensed
23 before-school and after-school child care programs, and
24 unregulated care provided by a relative or other caretaker.

25 2. Differentiate among child care for children with
26 special needs or risk categories, infants, toddlers, and
27 preschool and school-age children.

28 3. Differentiate between full-time and part-time care.

29 4. Consider reductions in the cost of care for
30 additional children in the same family.

31

1 (c) "Prevailing market rate" means the annually
2 determined 75th percentile of a reasonable frequency
3 distribution of market rate in a predetermined geographic
4 market at which licensed child care providers charge a person
5 for child care services.

6 (2) The local school readiness coalition department
7 shall establish procedures to reimburse licensed, exempt, or
8 registered child care providers who hold a Gold Seal Quality
9 Care designation at the market rate for child care services
10 for children who are eligible to receive subsidized child
11 care; and licensed, exempt, or registered child care providers
12 at the prevailing market rate for child care services for
13 children who are eligible to receive subsidized child care,
14 unless prohibited by federal law under s. 412.555 ~~402.3015~~.

15 The agency department shall establish procedures to reimburse
16 providers of unregulated child care at not more than 50
17 percent of the market rate. The payment system may not
18 interfere with the parents' decision as to the appropriate
19 child care arrangement, regardless of the level of available
20 funding for child care. The child care program assessment tool
21 may not be used to determine reimbursement rates.

22 ~~(3) The department may provide child care grants to~~
23 ~~central agencies, community colleges, and vocational/technical~~
24 ~~programs for the purpose of providing support and technical~~
25 ~~assistance to licensed child care providers.~~

26 ~~(4) The department may use the state community child~~
27 ~~care coordination agencies (central agencies), community~~
28 ~~colleges, and vocational/technical programs to implement this~~
29 ~~section.~~

30 ~~(3)(5)~~ The agency department may adopt rules and other
31 policy provisions necessary to implement this section.

1 ~~(4)(6)~~ This section shall be implemented only to the
2 extent that funding is available.

3 Section 24. Section 402.3052, Florida Statutes, is
4 renumbered as section 412.572, Florida Statutes, and amended
5 to read:

6 412.572 ~~402.3052~~ Child development associate training
7 grants program.--

8 (1) There is hereby created the child development
9 associate training grants program within the agency
10 ~~department~~.

11 ~~(a)~~ The purpose of the child development associate
12 training grants program is to provide child care personnel who
13 work in a licensed child care facility or public and nonpublic
14 preschool program for children 5 years of age or under an
15 opportunity to receive a child development associate
16 credential, or its equivalent, and to receive other training
17 to enhance their skills.

18 ~~(b) The State Coordinating Council for School~~
19 ~~Readiness Programs shall serve in an advisory capacity to the~~
20 ~~department in the implementation of the training program.~~

21 (2) The Florida Partnership for School Readiness
22 ~~department~~ shall establish eligibility criteria for the
23 training program for child care personnel under this section.

24 (3) The agency ~~department~~ through contract may provide
25 a training grant to a community college, vocational/technical
26 program, local school readiness coalition ~~central agency~~, or
27 other entity to provide the training for a child development
28 associate credential or its equivalent.

29 (4) The agency ~~department~~ shall require a community
30 college, vocational/technical program, local school readiness
31

1 coalition ~~central agency~~, or other entity under contract to
2 comply with the following requirements:

3 (a) Identification of the training needs of the area
4 served by the community college, vocational/technical program,
5 local school readiness coalition ~~central agency~~, or other
6 entity participating in the training grant, including an
7 assessment of area resources available for training child
8 care, home visits, and other family support personnel to work
9 with children with special needs.

10 (b) Development of procedures to accommodate and
11 facilitate the attendance of child care personnel who are
12 interested in the training at the training site and location.

13 (c) Development of a plan to provide training and
14 technical assistance, as needed, to child care personnel after
15 the attainment of the child development associate credential
16 or its equivalent.

17 (d) Development of lending resources and other library
18 material addressing child development, for the use of child
19 care personnel in a licensed child care facility.

20 (e) Submission of an annual training report that
21 provides information required by the agency ~~department~~,
22 including, but not limited to, the following:

- 23 1. The number of child care personnel trained.
24 2. The number of child care personnel attaining the
25 child development associate credential or its equivalent.

26 (f) The development of training strategies to train
27 child care personnel beyond the child development associate
28 credential.

29 (g) Other requirements as determined by the
30 partnership ~~department~~.

31

1 (5) The agency ~~department~~ shall provide child care
2 incentive grants for innovative child care private-public
3 partnerships that promote the development of child care
4 facilities or family day care homes.

5 (a) The purpose of the child care incentive grants is
6 to encourage private-public partnership efforts to train and
7 assist public assistance recipients to gain employment in
8 child care facilities or operate child care facilities or
9 family day care homes.

10 (b) Child care incentive grants shall assist public
11 assistance recipients, whenever possible, in acquiring the
12 child development associate credential or its equivalent.

13 (c) The agency ~~department~~ shall develop and implement
14 a plan, in cooperation with other state agencies, to maximize
15 existing federal and state funding sources to achieve the
16 purpose of this incentive grant.

17 (6) The agency ~~department~~ may contract with the
18 Department of Education to implement any of the provisions of
19 the section.

20 (7) The agency ~~department~~ may adopt rules and other
21 policy provisions necessary to implement this section.

22 (8) This section shall be implemented only to the
23 extent that funding is available.

24 Section 25. Section 402.3054, Florida Statutes, is
25 renumbered as section 412.573, Florida Statutes.

26 Section 26. Section 402.3055, Florida Statutes, is
27 renumbered as section 412.574, Florida Statutes, and amended
28 to read:

29 412.574 ~~402.3055~~ Child care personnel requirements.--

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

31

1 (a) The agency ~~department~~ or local licensing agency
2 shall require that the application for a child care license
3 contain a question that specifically asks the applicant,
4 owner, or operator if he or she has ever had a license denied,
5 revoked, or suspended in any state or jurisdiction or has been
6 the subject of a disciplinary action or been fined while
7 employed in a child care facility. The applicant, owner, or
8 operator shall attest to the accuracy of the information
9 requested under penalty of perjury. If the applicant, owner,
10 or operator admits that he or she has been a party in such
11 action, the agency ~~department~~ or local licensing agency shall
12 review the nature of the suspension, revocation, disciplinary
13 action, or fine before granting the applicant a license to
14 operate a child care facility. If the agency ~~department~~ or
15 local licensing agency determines as the result of such review
16 that it is not in the best interest of the state or local
17 jurisdiction for the applicant to be licensed, a license shall
18 not be granted.

19 (b) The child care facility employer shall require
20 that the application for a child care personnel position
21 contain a question that specifically asks the applicant if he
22 or she has ever worked in a facility that has had a license
23 denied, revoked, or suspended in any state or jurisdiction or
24 has been the subject of a disciplinary action or been fined
25 while employed in a child care facility. The applicant shall
26 attest to the accuracy of the information requested under
27 penalty of perjury. If the applicant admits that he or she has
28 been a party in such action, the employer shall review the
29 nature of the denial, suspension, revocation, disciplinary
30 action, or fine before the applicant is hired.

31

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

4 (a) The agency department or local licensing agency
5 shall deny, suspend, or revoke a license or pursue other
6 remedies provided in s. 412.62 ~~402.310~~, s. 412.64 ~~402.312~~, or
7 s. 412.70 ~~402.319~~ in addition to or in lieu of denial,
8 suspension, or revocation for failure to comply with this
9 section. The disciplinary actions determination to be made by
10 the agency department or the local licensing agency and the
11 procedure for hearing for applicants and licensees shall be in
12 accordance with s. 412.62 ~~402.310~~.

13 (b) When the agency department or the local licensing
14 agency has reasonable cause to believe that grounds for denial
15 or termination of employment exist, it shall notify, in
16 writing, the applicant, licensee, or other child care program
17 and the child care personnel affected, stating the specific
18 record which indicates noncompliance with the standards in s.
19 412.57(2) ~~402.305(2)~~.

20 (c) When the agency department is the organization
21 ~~agency~~ initiating the statement regarding noncompliance, the
22 procedures established for hearing under chapter 120 shall be
23 available to the applicant, licensee, or other child care
24 program and to the affected child care personnel, in order to
25 present evidence relating either to the accuracy of the basis
26 of exclusion or to the denial of an exemption from
27 disqualification.

28 (d) When a local licensing agency is the organization
29 ~~agency~~ initiating the statement regarding noncompliance of an
30 employee with the standards contained in s. 412.57(2)
31 ~~402.305(2)~~, the employee, applicant, licensee, or other child

1 care program has 15 days from the time of written notification
2 of the agency's finding to make a written request for a
3 hearing. If a request for a hearing is not received in that
4 time, the permanent employee, applicant, licensee, or other
5 child care program is presumed to accept the finding.

6 (e) If a request for a hearing is made to the local
7 licensing agency, a hearing shall be held within 30 days and
8 shall be conducted by an individual designated by the county
9 commission.

10 (f) An employee, applicant, licensee, or other child
11 care program shall have the right to appeal a finding of the
12 local licensing agency to a representative of the agency
13 ~~department~~. Any required hearing shall be held in the county
14 in which the permanent employee is employed. The hearing
15 shall be conducted in accordance with the provisions of
16 chapter 120.

17 (g) Refusal on the part of an applicant or licensee to
18 dismiss child care personnel who have been found to be in
19 noncompliance with personnel standards of s. 412.57(2)
20 ~~402.305(2)~~ shall result in automatic denial or revocation of
21 the license in addition to any other remedies pursued by the
22 agency ~~department~~ or local licensing agency.

23 Section 27. Section 402.3057, Florida Statutes, is
24 renumbered as section 412.575, Florida Statutes, and amended
25 to read:

26 412.575 ~~402.3057~~ Persons not required to be
27 refingerprinted or rescreened.--Any provision of law to the
28 contrary notwithstanding, human resource personnel who have
29 been fingerprinted or screened pursuant to chapters 393, 394,
30 397, ~~402,~~ and 409, and 412, and teachers and noninstructional
31 personnel who have been fingerprinted pursuant to chapter 231,

1 who have not been unemployed for more than 90 days thereafter,
2 and who under the penalty of perjury attest to the completion
3 of such fingerprinting or screening and to compliance with the
4 provisions of this section and the standards for good moral
5 character as contained in such provisions as ss. 110.1127(3),
6 393.0655(1), 394.457(6), 397.451, 412.57(2)~~402.305(2)~~, and
7 409.175(4), shall not be required to be refingerprinted or
8 rescreened in order to comply with any caretaker screening or
9 fingerprinting requirements.

10 Section 28. Section 402.306, Florida Statutes, is
11 renumbered as section 412.58, Florida Statutes, and amended to
12 read:

13 412.58 ~~402.306~~ Designation of licensing agency;
14 dissemination by the agency ~~department~~ and local licensing
15 agency of information on child care.--

16 (1) Any county whose licensing standards meet or
17 exceed state minimum standards may:

18 (a) Designate a local licensing agency to license
19 child care facilities in the county; or

20 (b) Contract with the agency ~~department~~ to delegate
21 the administration of state minimum standards in the county to
22 the agency ~~department~~.

23 (2) Child care facilities in any county whose
24 standards do not meet or exceed state minimum standards shall
25 be subject to licensing by the agency ~~department~~ under state
26 minimum standards.

27 (3) The agency ~~department~~ and local licensing
28 agencies, or the designees thereof, shall be responsible for
29 coordination and dissemination of information on child care to
30 the community and shall make available upon request all
31 licensing standards and procedures, in addition to the names

1 and addresses of licensed child care facilities and, where
2 applicable pursuant to s. 412.65 ~~402.313~~, licensed or
3 registered family day care homes.

4 Section 29. Section 402.307, Florida Statutes, is
5 renumbered as section 412.59, Florida Statutes, and amended to
6 read:

7 412.59 ~~402.307~~ Approval of licensing agency.--

8 (1) Within 30 days after the promulgation of state
9 minimum standards, each county shall provide the agency
10 ~~department~~ with a copy of its standards if they differ from
11 the state minimum standards. At the same time, each county
12 shall provide the agency ~~department~~ with the administrative
13 procedures it intends to use for the licensing of child care
14 facilities.

15 (2) The agency ~~department~~ shall have the authority to
16 determine if local standards meet or exceed state minimum
17 standards. Within 60 days after the county has submitted its
18 standards and procedures, the agency ~~department~~, upon being
19 satisfied that such standards meet or exceed state minimum
20 standards and that there is compliance with all provisions of
21 ss. 412.554-412.70 ~~402.301-402.319~~, shall approve the local
22 licensing agency.

23 (3) Approval to issue licenses for the agency
24 ~~department~~ shall be renewed annually. For renewal, the local
25 licensing agency shall submit to the agency ~~department~~ a copy
26 of the licensing standards and procedures applied. An onsite
27 review may be made if deemed necessary by the agency
28 ~~department~~.

29 (4) If, following an onsite review, the agency
30 ~~department~~ finds the local licensing agency is not applying
31 the approved standards, the agency ~~department~~ shall report the

1 specific violations to the county commission of the involved
2 county which shall investigate the violations and take
3 whatever action necessary to correct them.

4 (5) To ensure that accurate statistical data are
5 available, each local licensing agency shall report annually
6 to the agency ~~department~~ the number of child care facilities
7 under its jurisdiction, the number of children served, the
8 ages of children served, and the number of revocations or
9 denials of licenses.

10 Section 30. Section 402.308, Florida Statutes, is
11 renumbered as section 412.60, Florida Statutes, and amended to
12 read:

13 412.60 ~~402.308~~ Issuance of license.--

14 (1) ANNUAL LICENSING.--Every child care facility in
15 the state shall have a license which shall be renewed
16 annually.

17 (2) CHANGE OF OWNERSHIP.--Every child care facility
18 shall reapply for and receive a license prior to the time a
19 new owner assumes responsibility for the facility. The agency
20 ~~department~~ shall grant or deny the reapplication for license
21 within 45 days from the date upon which the child care
22 facility reapplies.

23 (3) STATE ADMINISTRATION OF LICENSING.--In any county
24 in which the agency ~~department~~ has the authority to issue
25 licenses, the following procedures shall be applied:

26 (a) Application for a license or for a renewal of a
27 license to operate a child care facility shall be made in the
28 manner and on the forms prescribed by the agency ~~department~~.
29 The applicant's social security number shall be included on
30 the form submitted to the agency ~~department~~. Pursuant to the
31 federal Personal Responsibility and Work Opportunity

1 Reconciliation Act of 1996, each applicant is required to
2 provide his or her social security number in accordance with
3 this section. Disclosure of social security numbers obtained
4 through this requirement shall be limited to the purpose of
5 administration of the Title IV-D program for child support
6 enforcement.

7 (b) Prior to the renewal of a license, the agency
8 ~~department~~ shall reexamine the child care facility, including
9 in that process the examination of the premises and those
10 records of the facility as required under s. 412.57 ~~402.305~~,
11 to determine that minimum standards for licensing continue to
12 be met.

13 (c) The agency ~~department~~ shall coordinate all
14 inspections of child care facilities. A child care facility
15 is not required to implement a recommendation of one agency
16 that is in conflict with a recommendation of another agency if
17 such conflict arises due to uncoordinated inspections. Any
18 conflict in recommendations shall be resolved by the director
19 ~~secretary~~ of the agency ~~department~~ within 15 days after
20 written notice that such conflict exists.

21 (d) The agency ~~department~~ shall issue or renew a
22 license upon receipt of the license fee and upon being
23 satisfied that all standards required by ss. 412.554-412.70
24 ~~402.301-402.319~~ have been met. A license may be issued if all
25 the screening materials have been timely submitted; however, a
26 license may not be issued or renewed if any of the child care
27 personnel at the applicant facility have failed the screening
28 required by ss. 412.57(2) ~~402.305(2)~~ and 412.574 ~~402.3055~~.

29 (4) LOCAL ADMINISTRATION OF LICENSING.--In any county
30 in which there is a local licensing agency approved by the
31 agency ~~department~~, the following procedures shall apply:

1 (a) Application for a license or for renewal of
2 license to operate a child care facility shall be made in the
3 manner and on the forms prescribed by the local licensing
4 agency.

5 (b) Prior to the renewal of a license, the agency
6 shall reexamine the child care facility, including in that
7 process the examination of the premises and records of the
8 facility as required in s. 412.57 ~~402.305~~ to determine that
9 minimum standards for licensing continue to be met.

10 (c) The local licensing agency shall coordinate all
11 inspections of child care facilities. A child care facility
12 is not required to implement a recommendation of one agency
13 that is in conflict with a recommendation of another agency if
14 such conflict arises due to uncoordinated inspections. Any
15 conflict in recommendations shall be resolved by the county
16 commission or its representative within 15 days after written
17 notice that such conflict exists.

18 (d) The local licensing agency shall issue a license
19 or renew a license upon being satisfied that all standards
20 required by ss. 412.554-412.70 ~~402.301-402.319~~ have been met.
21 A license may be issued or renewed if all the screening
22 materials have been timely submitted; however, the local
23 licensing agency shall not issue or renew a license if any of
24 the child care personnel at the applicant facility have failed
25 the screening required by ss. 412.57(2)~~402.305(2)~~and 412.574
26 ~~402.3055~~.

27 (5) ISSUANCE OF LOCAL OCCUPATIONAL LICENSES.--No
28 county or municipality shall issue an occupational license
29 which is being obtained for the purpose of operating a child
30 care facility regulated under this act without first
31 ascertaining that the applicant has been licensed to operate

1 such facility at the specified location or locations by the
2 agency ~~department~~ or local licensing agency. The agency
3 ~~department~~ or local licensing agency shall furnish to local
4 agencies responsible for issuing occupational licenses
5 sufficient instruction for making the above required
6 determinations.

7 Section 31. Section 402.309, Florida Statutes, is
8 renumbered as section 412.61, Florida Statutes, and amended to
9 read:

10 412.61 ~~402.309~~ Provisional license.--

11 (1) The local licensing agency or the agency
12 ~~department~~, whichever is authorized to license child care
13 facilities in a county, may issue a provisional license to
14 applicants for a license or to licensees who are unable to
15 conform to all the standards provided for in ss.

16 412.554-412.70 ~~402.301-402.319~~.

17 (2) No provisional license may be issued unless the
18 operator or owner makes adequate provisions for the health and
19 safety of the child. A provisional license may be issued if
20 all of the screening materials have been timely submitted;
21 however, a provisional license may not be issued unless the
22 child care facility is in compliance with the requirements for
23 screening of child care personnel in ss. 412.57 ~~402.305~~ and
24 412.574 ~~402.3055~~.

25 (3) The provisional license shall in no event be
26 issued for a period in excess of 6 months; however, it may be
27 renewed one time for a period not in excess of 6 months under
28 unusual circumstances beyond the control of the applicant.

29 (4) The provisional license may be suspended if
30 periodic inspection made by the local licensing agency or the
31

1 agency department indicates that insufficient progress has
2 been made toward compliance.

3 Section 32. Section 402.310, Florida Statutes, is
4 renumbered as section 412.62, Florida Statutes, and amended to
5 read:

6 412.62 ~~402.310~~ Disciplinary actions; hearings upon
7 denial, suspension, or revocation of license; administrative
8 fines.--

9 (1)(a) The agency department or local licensing agency
10 may deny, suspend, or revoke a license or impose an
11 administrative fine not to exceed \$100 per violation, per day,
12 for the violation of any provision of ss. 412.554-412.70
13 ~~402.301-402.319~~ or rules adopted thereunder. However, where
14 the violation could or does cause death or serious harm, the
15 agency department or local licensing agency may impose an
16 administrative fine, not to exceed \$500 per violation per day.

17 (b) In determining the appropriate disciplinary action
18 to be taken for a violation as provided in paragraph (a), the
19 following factors shall be considered:

20 1. The severity of the violation, including the
21 probability that death or serious harm to the health or safety
22 of any person will result or has resulted, the severity of the
23 actual or potential harm, and the extent to which the
24 provisions of ss. 412.554-412.70 ~~402.301-402.319~~ have been
25 violated.

26 2. Actions taken by the licensee to correct the
27 violation or to remedy complaints.

28 3. Any previous violations of the licensee.

29 (2) When the agency department has reasonable cause to
30 believe that grounds for the denial, suspension, or revocation
31 of a license or imposition of an administrative fine exist, it

1 shall determine the matter in accordance with procedures
2 prescribed in chapter 120. When the local licensing agency
3 has reasonable cause to believe that grounds for the denial,
4 suspension, or revocation of a license or imposition of an
5 administrative fine exist, it shall notify the applicant or
6 licensee in writing, stating the grounds upon which the
7 license is being denied, suspended, or revoked or an
8 administrative fine is being imposed. If the applicant or
9 licensee makes no written request for a hearing to the local
10 licensing agency within 15 days from receipt of such notice,
11 the license shall be deemed denied, suspended, or revoked or
12 an administrative fine shall be imposed.

13 (3) If a request for a hearing is made to the local
14 licensing agency, a hearing shall be held within 30 days and
15 shall be conducted by an individual designated by the county
16 commission.

17 (4) An applicant or licensee shall have the right to
18 appeal a decision of the local licensing agency to a
19 representative of the agency ~~department~~. Any required hearing
20 shall be held in the county in which the child care facility
21 is being operated or is to be established. The hearing shall
22 be conducted in accordance with the provisions of chapter 120.

23 Section 33. Section 402.311, Florida Statutes, is
24 renumbered as section 412.63, Florida Statutes, and amended to
25 read:

26 412.63 ~~402.311~~ Inspection.--A licensed child care
27 facility shall accord to the agency ~~department~~ or the local
28 licensing agency, whichever is applicable, the privilege of
29 inspection, including access to facilities and personnel and
30 to those records required in s. 412.57 ~~402.305~~, at reasonable
31 times during regular business hours, to ensure compliance with

1 the provisions of ss. 412.554-412.70 ~~402.301-402.319~~. The
2 right of entry and inspection shall also extend to any
3 premises which the agency ~~department~~ or local licensing agency
4 has reason to believe are being operated or maintained as a
5 child care facility without a license, but no such entry or
6 inspection of any premises shall be made without the
7 permission of the person in charge thereof unless a warrant is
8 first obtained from the circuit court authorizing same. Any
9 application for a license or renewal made pursuant to this act
10 or the advertisement to the public for the provision of child
11 care as defined in s. 412.56 ~~402.302~~ shall constitute
12 permission for any entry or inspection of the premises for
13 which the license is sought in order to facilitate
14 verification of the information submitted on or in connection
15 with the application. In the event a licensed facility
16 refuses permission for entry or inspection to the agency
17 ~~department~~ or local licensing agency, a warrant shall be
18 obtained from the circuit court authorizing same prior to such
19 entry or inspection. The agency ~~department~~ or local licensing
20 agency may institute disciplinary proceedings pursuant to s.
21 412.62 ~~402.310~~, for such refusal.

22 Section 34. Section 402.3115, Florida Statutes, is
23 renumbered as section 412.631, Florida Statutes, and amended
24 to read:

25 412.631 ~~402.3115~~ Elimination of duplicative and
26 unnecessary inspections; abbreviated inspections.--The Agency
27 for Workforce Innovation ~~Department of Children and Family~~
28 ~~Services~~ and local governmental agencies that license child
29 care facilities shall develop and implement a plan to
30 eliminate duplicative and unnecessary inspections of child
31 care facilities. In addition, the agency ~~department~~ and the

1 local governmental agencies shall develop and implement an
2 abbreviated inspection plan for child care facilities that
3 have had no Class 1 or Class 2 deficiencies, as defined by
4 rule, for at least 2 consecutive years. The abbreviated
5 inspection must include those elements identified by the
6 agency ~~department~~ and the local governmental agencies as being
7 key indicators of whether the child care facility continues to
8 provide quality care and programming.

9 Section 35. Section 402.312, Florida Statutes, is
10 renumbered as section 412.64, Florida Statutes, and amended to
11 read:

12 412.64 ~~402.312~~ License required; injunctive relief.--

13 (1) The operation of a child care facility without a
14 license is prohibited. If the agency ~~department~~ or the local
15 licensing agency discovers that a child care facility is being
16 operated without a license, the agency ~~department~~ or local
17 licensing agency is authorized to seek an injunction in the
18 circuit court where the facility is located to enjoin
19 continued operation of such facility. When the court is closed
20 for the transaction of judicial business, the agency
21 ~~department~~ or local licensing agency is authorized to seek an
22 emergency injunction to enjoin continued operation of such
23 unlicensed facility, which injunction shall be continued,
24 modified, or revoked on the next day of judicial business.

25 (2) Other grounds for seeking an injunction to close a
26 facility are that:

27 (a) There is any violation of the standards applied
28 under ss. 412.554-412.70 ~~402.301-402.319~~ which threatens harm
29 to any child in the child care facility.

30 (b) A licensee has repeatedly violated the standards
31 provided for under ss. 412.554-412.70 ~~402.301-402.319~~.

1 (c) A child care facility continues to have children
2 in attendance after the closing date established by the agency
3 ~~department~~ or the local licensing agency.

4 (3) The agency ~~department~~ may impose an administrative
5 fine on any child care facility operating without a license,
6 consistent with the provisions of s. 412.62 ~~402.310~~.

7 Section 36. Section 402.3125, Florida Statutes, is
8 renumbered as section 412.641, Florida Statutes, and amended
9 to read:

10 412.641 ~~402.3125~~ Display and appearance of license;
11 posting of violations; information to be provided to
12 parents.--

13 (1)(a) Upon receipt of a license issued under s.
14 412.60 ~~402.308~~ or s. 412.61 ~~402.309~~, the child care facility
15 shall display such license in a conspicuous place within the
16 facility.

17 (b)1. In addition to posting the license as required
18 under paragraph (a), the child care facility shall post with
19 the license:

20 a. Each citation for a violation of any standard or
21 requirement of ss. 412.554-412.70 ~~402.301-402.319~~ that has
22 resulted in disciplinary action under s. 412.62 ~~402.310~~ or s.
23 412.64 ~~402.312~~.

24 b. An explanation, written in simple language, of each
25 citation.

26 c. A description, written in simple language, of the
27 corrective action, if any, taken by the facility for each
28 citation. Included in the description shall be the dates on
29 which the corrective action was taken.

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1 2. Each citation, explanation, and description of
2 corrective action shall remain posted for 1 year after the
3 citation's effective date.

4 (2) The agency ~~department~~ shall ensure that every
5 license it issues under s. 412.60 ~~402.308~~ or s. 412.61 ~~402.309~~
6 bears the distinctive seals of the State of Florida and of the
7 agency ~~department~~ and is clearly recognizable by its size,
8 color, seals, and contents to be a state license or
9 provisional license for a child care facility.

10 (3) Each local licensing agency shall ensure that
11 every license it issues under s. 412.60 ~~402.308~~ or s. 412.61
12 ~~402.309~~ bears the distinctive seals of the issuing county and
13 of the agency ~~department~~ and is clearly recognizable by its
14 size, color, seals, and contents to be a county license or
15 provisional license for a child care facility. Noncompliance
16 by a local licensing agency shall be deemed by the agency
17 ~~department~~ to be failure to meet minimum state standards and
18 shall result in the agency ~~department~~ immediately assuming
19 licensure authority in the county.

20 (4) Any license issued pursuant to subsection (2) or
21 subsection (3) shall include the name, address, and telephone
22 number of the licensing agency.

23 (5) The agency ~~department~~ shall develop a model
24 brochure for distribution by the agency ~~department~~ and by
25 local licensing agencies to every child care facility in the
26 state. Pursuant thereto:

27 (a) Upon receipt of such brochures, each child care
28 facility shall provide a copy of same to every parent,
29 guardian, or other person having entered a child in such
30 facility. Thereafter, a copy of such brochure shall be
31 provided to every parent, guardian, or other person entering a

1 child in such facility upon entrance of the child or prior
2 thereto.

3 (b) Each child care facility shall certify to the
4 agency department or local licensing agency, whichever is
5 appropriate, that it has so provided and will continue to so
6 provide such brochures, which certification shall operate as a
7 condition upon issuance and renewal of licensure.

8 Noncompliance by any child care facility shall be grounds for
9 sanction as provided in ss. 412.62 ~~402.310~~ and 412.64 ~~402.312~~.

10 (c) The brochure shall, at a minimum, contain the
11 following information:

12 1. A statement that the facility is licensed and has
13 met state standards for licensure as established by s. 412.57
14 ~~402.305~~ or that the facility is licensed by a local licensing
15 agency and has met or exceeded the state standards, pursuant
16 to ss. 412.58 ~~402.306~~ and 412.59 ~~402.307~~. Such statement shall
17 include a listing of specific standards that licensed
18 facilities must meet pursuant to s. 412.57 ~~402.305~~.

19 2. A statement indicating that information about the
20 licensure status of the child care facility can be obtained by
21 telephoning the agency department office or the office of the
22 local licensing agency issuing the license at a telephone
23 number or numbers which shall be printed upon or otherwise
24 affixed to the brochure.

25 3. The statewide toll-free telephone number of the
26 central abuse hotline, together with a notice that reports of
27 suspected and actual cases of child physical abuse, sexual
28 abuse, and neglect are received and referred for investigation
29 by the hotline.

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1 4. The date that the current license for the facility
2 was issued and the date of its scheduled expiration if it is
3 not renewed.

4 5. Any other information relating to competent child
5 care that the agency ~~department~~ deems would be helpful to
6 parents and other caretakers in their selection of a child
7 care facility.

8 (d) The agency ~~department~~ shall prepare a brochure
9 containing substantially the same information as specified in
10 paragraph (c) and shall make such brochure available to all
11 interested persons, including physicians and other health
12 professionals; mental health professionals; school teachers or
13 other school personnel; social workers or other professional
14 child care, foster care, residential, or institutional
15 workers; and law enforcement officers.

16 Section 37. Section 402.313, Florida Statutes, is
17 renumbered as section 412.65, Florida Statutes, and amended to
18 read:

19 412.65 ~~402.313~~ Family day care homes.--

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

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

4 (d) The agency ~~department~~ may provide technical
5 assistance to counties and family day care home providers to
6 enable counties and family day care providers to achieve
7 compliance with family day care homes standards.

8 (2) This information shall be included in a directory
9 to be published annually by the agency ~~department~~ to inform
10 the public of available child care facilities.

11 (3) Child care personnel in family day care homes
12 shall be subject to the applicable screening provisions
13 contained in ss. 412.57(2)~~402.305(2)~~and 412.574 ~~402.3055~~.
14 For purposes of screening in family day care homes, the term
15 includes any member over the age of 12 years of a family day
16 care home operator's family, or persons over the age of 12
17 years residing with the operator in the family day care home.
18 Members of the operator's family, or persons residing with the
19 operator, who are between the ages of 12 years and 18 years
20 shall not be required to be fingerprinted, but shall be
21 screened for delinquency records.

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

1 ~~requirement.~~ Family day care homes initially licensed or
2 registered on or after October 1, 1999, must comply with the
3 30-clock-hour course requirement before caring for children.

4 (5) Family day care home operators may avail
5 themselves of supportive services offered by the agency
6 ~~department~~.

7 (6) The Florida Partnership for School Readiness
8 ~~department~~ shall prepare a brochure on family day care for
9 distribution by the agency department and by local licensing
10 agencies, if appropriate, to family day care homes for
11 distribution to parents utilizing such child care, and to all
12 interested persons, including physicians and other health
13 professionals; mental health professionals; school teachers or
14 other school personnel; social workers or other professional
15 child care, foster care, residential, or institutional
16 workers; and law enforcement officers. The brochure shall, at
17 a minimum, contain the following information:

18 (a) A brief description of the requirements for family
19 day care registration, training, and fingerprinting and
20 screening.

21 (b) A listing of those counties that require licensure
22 of family day care homes. Such counties shall provide an
23 addendum to the brochure that provides a brief description of
24 the licensure requirements or may provide a brochure in lieu
25 of the one described in this subsection, provided it contains
26 all the required information on licensure and the required
27 information in the subsequent paragraphs.

28 (c) A statement indicating that information about the
29 family day care home's compliance with applicable state or
30 local requirements can be obtained by telephoning the agency
31 ~~department~~ office or the office of the local licensing agency,

1 if appropriate, at a telephone number or numbers which shall
2 be affixed to the brochure.

3 (d) The statewide toll-free telephone number of the
4 central abuse hotline, together with a notice that reports of
5 suspected and actual child physical abuse, sexual abuse, and
6 neglect are received and referred for investigation by the
7 hotline.

8 (e) Any other information relating to competent child
9 care that the agency ~~department~~ or local licensing agency, if
10 preparing a separate brochure, deems would be helpful to
11 parents and other caretakers in their selection of a family
12 day care home.

13 (7) On an annual basis, the partnership ~~department~~
14 shall evaluate the registration and licensure system for
15 family day care homes. Such evaluation shall, at a minimum,
16 address the following:

17 (a) The number of family day care homes registered and
18 licensed and the dates of such registration and licensure.

19 (b) The number of children being served in both
20 registered and licensed family day care homes and any
21 available slots in such homes.

22 (c) The number of complaints received concerning
23 family day care, the nature of the complaints, and the
24 resolution of such complaints.

25 (d) The training activities utilized by child care
26 personnel in family day care homes for meeting the state or
27 local training requirements.

28
29 The evaluation shall be utilized by the partnership ~~department~~
30 in any administrative modifications or adjustments to be made
31 in the registration of family day care homes or in any

1 legislative requests for modifications to the system of
2 registration or to other requirements for family day care
3 homes.

4 (8) In order to inform the public of the state
5 requirement for registration of family day care homes as well
6 as the other requirements for such homes to legally operate in
7 the state, the partnership ~~department~~ shall institute a media
8 campaign to accomplish this end. Such a campaign shall
9 include, at a minimum, flyers, newspaper advertisements, radio
10 advertisements, and television advertisements.

11 (9) Notwithstanding any other state or local law or
12 ordinance, any family day care home licensed pursuant to this
13 chapter or pursuant to a county ordinance shall be charged the
14 utility rates accorded to a residential home. A licensed
15 family day care home may not be charged commercial utility
16 rates.

17 (10) The agency ~~department~~ shall, by rule, establish
18 minimum standards for family day care homes that are required
19 to be licensed by county licensing ordinance or county
20 licensing resolution or that voluntarily choose to be
21 licensed. The standards should include requirements for
22 staffing, maintenance of immunization records, minimum health
23 standards, reduced standards for the regulation of child care
24 during evening hours by municipalities and counties, and
25 enforcement of standards.

26 Section 38. Section 402.3131, Florida Statutes, is
27 renumbered as section 412.651, Florida Statutes, and amended
28 to read:

29 412.651 ~~402.3131~~ Large family child care homes.--

30 (1) Large family child care homes shall be licensed
31 under this section.

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

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

9 (c) The agency ~~department~~ may provide technical
10 assistance to counties and family day care home providers to
11 enable the counties and providers to achieve compliance with
12 minimum standards for large family child care homes.

13 (2) Child care personnel in large family child care
14 homes shall be subject to the applicable screening provisions
15 contained in ss. 412.57(2)~~402.305(2)~~and 412.574 ~~402.3055~~.
16 For purposes of screening child care personnel in large family
17 child care homes, the term "child care personnel" includes any
18 member of a large family child care home operator's family 12
19 years of age or older, or any person 12 years of age or older
20 residing with the operator in the large family child care
21 home. Members of the operator's family, or persons residing
22 with the operator, who are between the ages of 12 years and 18
23 years, inclusive, shall not be required to be fingerprinted,
24 but shall be screened for delinquency records.

25 (3) Operators of large family child care homes shall
26 take an approved 40-clock-hour introductory course in group
27 child care.

28 (4) The agency ~~department~~ shall prepare a brochure on
29 large family child care homes for distribution to the general
30 public.

31

1 (5) The agency ~~department~~ shall, by rule, establish
2 minimum standards for large family child care homes. The
3 standards shall include, at a minimum, requirements for
4 staffing, maintenance of immunization records, minimum health
5 standards, minimum safety standards, minimum square footage,
6 and enforcement of standards.

7 (6) Prior to being licensed by the agency ~~department~~,
8 large family child care homes must be approved by the state or
9 local fire marshal in accordance with standards established
10 for child care facilities.

11 Section 39. Section 402.3135, Florida Statutes, is
12 renumbered as section 412.652, Florida Statutes, and amended
13 to read:

14 412.652 ~~402.3135~~ Subsidized child care case management
15 program.--

16 (1) The agency ~~department~~ shall establish or contract
17 for a child care case management program for children at risk
18 of abuse or neglect participating in the subsidized child care
19 program and their families.

20 (2) The case management program staff shall perform,
21 but not be limited to, the following duties and
22 responsibilities:

23 (a) Participation in the case staffing meetings.

24 (b) Provision of technical assistance to child care
25 staff or parents on child development matters or other issues
26 related to the child.

27 ~~(c) Provision of technical assistance to Child Care
28 Plus facilities or homes pursuant to s. 402.28.~~

29 ~~(c)~~(d) Supplementation of the training efforts of the
30 agency ~~department~~ and other providers in the child care and
31 child development area.

1 (3) The agency ~~department~~ shall conduct or contract
2 for an evaluation to determine the effectiveness of this
3 program component and establish an allocation workload
4 methodology for budget development.

5 Section 40. Section 402.314, Florida Statutes, is
6 renumbered as section 412.66, Florida Statutes, and amended to
7 read:

8 412.66 ~~402.314~~ Supportive services.--The agency
9 ~~department~~ shall provide consultation services, technical
10 assistance, and inservice training, when requested and as
11 available, to operators, licensees, registrants, and
12 applicants to help improve programs, homes, and facilities for
13 child care, and shall work cooperatively with other
14 organizations and agencies concerned with child care.

15 Section 41. Section 402.3145, Florida Statutes, is
16 renumbered as section 412.661, Florida Statutes, and
17 subsection (1) of that section is amended to read:

18 412.661 ~~402.3145~~ Subsidized child care transportation
19 program.--

20 (1) The agency ~~department~~, pursuant to chapter 427,
21 shall establish a subsidized child care transportation system
22 for children at risk of abuse or neglect participating in the
23 subsidized child care program. Local school readiness
24 coalitions ~~The state community child care coordination~~
25 ~~agencies~~ shall contract for the provision of transportation
26 services as required by this section.

27 Section 42. Section 402.315, Florida Statutes, is
28 renumbered as section 412.67, Florida Statutes, and amended to
29 read:

30 412.67 ~~402.315~~ Funding; license fees.--

31

1 (1) If the county designates a local agency to be
2 responsible for the licensing of child care facilities, the
3 county shall bear at least 75 percent of the costs involved.

4 (2) The agency ~~department~~ shall bear the costs of the
5 licensing of child care facilities when contracted to do so by
6 a county or when directly responsible for licensing in a
7 county which fails to meet or exceed state minimum standards.

8 (3) The agency ~~department~~ shall collect a fee for any
9 license it issues for a child care facility pursuant to s.
10 412.60 ~~402.308~~. Such fee shall be \$1 per child, except that
11 the minimum fee shall be \$25 per center and the maximum fee
12 shall be \$100 per center.

13 (4) Any county may collect a fee for any license it
14 issues pursuant to s. 412.60 ~~402.308~~.

15 (5) All moneys collected by the agency ~~department~~ for
16 child care licensing shall be held in a trust fund of the
17 agency ~~department~~ to be reallocated to the agency ~~department~~
18 during the following fiscal year to fund child care licensing
19 activities, including the Gold Seal Quality Care program
20 created pursuant to s. 412.553 ~~402.281~~.

21 Section 43. Section 402.316, Florida Statutes, is
22 renumbered as section 412.68, Florida Statutes, and amended to
23 read:

24 412.68 ~~402.316~~ Exemptions.--

25 (1) The provisions of ss. 412.554-412.70
26 ~~402.301-402.319~~, except for the requirements regarding
27 screening of child care personnel, shall not apply to a child
28 care facility which is an integral part of church or parochial
29 schools conducting regularly scheduled classes, courses of
30 study, or educational programs accredited by, or by a member
31 of, an organization which publishes and requires compliance

1 with its standards for health, safety, and sanitation.
2 However, such facilities shall meet minimum requirements of
3 the applicable local governing body as to health, sanitation,
4 and safety and shall meet the screening requirements pursuant
5 to ss. 412.57 ~~402.305~~ and 412.574 ~~402.3055~~. Failure by a
6 facility to comply with such screening requirements shall
7 result in the loss of the facility's exemption from licensure.

8 (2) Any county or city with state or local child care
9 licensing programs in existence on July 1, 1974, will continue
10 to license the child care facilities as covered by such
11 programs, notwithstanding the provisions of subsection (1),
12 until and unless the licensing agency makes a determination to
13 exempt them.

14 (3) Any child care facility covered by the exemption
15 provisions of subsection (1), but desiring to be included in
16 this act, is authorized to do so by submitting notification to
17 the agency ~~department~~. Once licensed, such facility cannot
18 withdraw from the act and continue to operate.

19 Section 44. Section 402.318, Florida Statutes, is
20 renumbered as section 412.69, Florida Statutes.

21 Section 45. Section 402.319, Florida Statutes, is
22 renumbered as section 412.70, Florida Statutes, and amended to
23 read:

24 412.70 ~~402.319~~ Penalties.--

25 (1) It is a misdemeanor of the first degree,
26 punishable as provided in s. 775.082 or s. 775.083, for any
27 person knowingly to:

28 (a) Fail, by false statement, misrepresentation,
29 impersonation, or other fraudulent means, to disclose in any
30 application for voluntary or paid employment or licensure
31 regulated under ss. 412.554-412.69 ~~402.301-402.318~~ all

1 information required under those sections or a material fact
2 used in making a determination as to such person's
3 qualifications to be child care personnel, as defined in s.
4 412.56 ~~402.302~~, in a child care facility, family day care
5 home, or other child care program.

6 (b) Operate or attempt to operate a child care
7 facility without having procured a license as required by this
8 act.

9 (c) Operate or attempt to operate a family day care
10 home without a license or without registering with the agency
11 ~~department~~, whichever is applicable.

12 (d) Operate or attempt to operate a child care
13 facility or family day care home under a license that is
14 suspended, revoked, or terminated.

15 (e) Misrepresent, by act or omission, a child care
16 facility or family day care home to be duly licensed pursuant
17 to this act without being so licensed.

18 (f) Make any other misrepresentation, by act or
19 omission, regarding the licensure or operation of a child care
20 facility or family day care home to a parent or guardian who
21 has a child placed in the facility or is inquiring as to
22 placing a child in the facility, or to a representative of the
23 licensing authority, or to a representative of a law
24 enforcement agency, including, but not limited to, any
25 misrepresentation as to:

26 1. The number of children at the child care facility
27 or the family day care home;

28 2. The part of the child care facility or family day
29 care home designated for child care;

30 3. The qualifications or credentials of child care
31 personnel;

1 4. Whether a family day care home or child care
2 facility complies with the screening requirements of s. 412.57
3 ~~402.305~~; or

4 5. Whether child care personnel have the training as
5 required by s. 412.57 ~~402.305~~.

6 (2) If any child care personnel makes any
7 misrepresentation in violation of this section to a parent or
8 guardian who has placed a child in the child care facility or
9 family day care home, and the parent or guardian relied upon
10 the misrepresentation, and the child suffers great bodily
11 harm, permanent disfigurement, permanent disability, or death
12 as a result of an intentional act or negligence by the child
13 care personnel, then the child care personnel commits a felony
14 of the second degree, punishable as provided in s. 775.082, s.
15 775.083, or s. 775.084.

16 Section 46. Section 412.71, Florida Statutes, is
17 created to read:

18 412.71 Fees.--Local school readiness coalitions shall
19 be responsible for establishing fees and fee collection
20 procedures for early care and education school readiness
21 programs pursuant to s. 412.51(5)(d)3.a.

22 Section 47. Section 409.178, Florida Statutes, is
23 renumbered as section 412.72, Florida Statutes, and
24 subsections (4), (5), and (6) of that section are amended to
25 read:

26 412.72 ~~409.178~~ Child Care Executive Partnership Act;
27 findings and intent; grant; limitation; rules.--

28 (4) The Child Care Executive Partnership, staffed by
29 the Florida Partnership for School Readiness ~~department~~, shall
30 consist of a representative of the Executive Office of the
31

1 Governor and nine members of the corporate or child care
2 community, appointed by the Governor.

3 (a) Members shall serve for a period of 4 years,
4 except that the representative of the Executive Office of the
5 Governor shall serve at the pleasure of the Governor.

6 (b) The Child Care Executive Partnership shall be
7 chaired by a member chosen by a majority vote and shall meet
8 at least quarterly and at other times upon the call of the
9 chair.

10 (c) Members shall serve without compensation, but may
11 be reimbursed for per diem and travel expenses in accordance
12 with s. 112.061.

13 (d) The Child Care Executive Partnership shall have
14 all the powers and authority, not explicitly prohibited by
15 statute, necessary to carry out and effectuate the purposes of
16 this section, as well as the functions, duties, and
17 responsibilities of the partnership, including, but not
18 limited to, the following:

19 1. Assisting in the formulation and coordination of
20 the state's child care policy.

21 2. Adopting an official seal.

22 3. Soliciting, accepting, receiving, investing, and
23 expending funds from public or private sources.

24 4. Contracting with public or private entities as
25 necessary.

26 5. Approving an annual budget.

27 6. Carrying forward any unexpended state
28 appropriations into succeeding fiscal years.

29 7. Providing a report to the Governor, the Speaker of
30 the House of Representatives, and the President of the Senate,
31 on or before December 1 of each year.

1 (5)(a) The Legislature shall annually determine the
2 amount of state or federal low-income child care moneys which
3 shall be used to create Child Care Executive Partnership
4 Program child care purchasing pools in counties chosen by the
5 Child Care Executive Partnership, provided that at least two
6 of the counties have populations of no more than 300,000. The
7 Legislature shall annually review the effectiveness of the
8 child care purchasing pool program and reevaluate the
9 percentage of additional state or federal funds, if any, that
10 can be used for the program's expansion.

11 (b) To ensure a seamless service delivery and ease of
12 access for families, the local school readiness coalitions
13 ~~community coordinated child care agencies or the state~~
14 ~~resource and referral agency~~ shall administer the child care
15 purchasing pool funds.

16 (c) The partnership department, in conjunction with
17 the Child Care Executive Partnership, shall develop procedures
18 for disbursement of funds through the child care purchasing
19 pools. In order to be considered for funding, the local school
20 readiness coalitions ~~community coordinated child care agency~~
21 ~~or the statewide resource and referral agency~~ must commit to:

- 22 1. Matching the state purchasing pool funds on a
23 dollar-for-dollar basis; and
- 24 2. Expending only those public funds which are matched
25 by employers, local government, and other matching
26 contributors who contribute to the purchasing pool. Parents
27 shall also pay a fee, which shall be not less than the amount
28 identified in the local school readiness coalition's
29 ~~department's~~ subsidized child care sliding fee scale.

30 (d) Each local school readiness coalition ~~community~~
31 ~~coordinated child care agency~~ shall be required to establish a

1 community child care task force for each child care purchasing
2 pool. The task force must be composed of employers, parents,
3 private child care providers, and one representative each from
4 the district interagency coordinating council for children's
5 services and the local children's services council, if they
6 exist in the area of the purchasing pool. The local school
7 readiness coalition ~~community coordinated child care agency~~ is
8 expected to recruit the task force members from existing child
9 care councils, commissions, or task forces already operating
10 in the area of a purchasing pool. A majority of the task force
11 shall consist of employers. Each task force shall develop a
12 plan for the use of child care purchasing pool funds. The plan
13 must show how many children will be served by the purchasing
14 pool, how many will be new to receiving child care services,
15 and how the local school readiness coalition ~~community~~
16 ~~coordinated child care agency~~ intends to attract new employers
17 and their employees to the program.

18 (6) The partnership ~~Department of Children and Family~~
19 ~~Services~~ shall adopt any rules necessary for the
20 implementation and administration of this section.

21 Section 48. Effective July 1, 2001, the Partnership
22 for School Readiness is transferred by a type two transfer,
23 pursuant to section 20.06(2), Florida Statutes, from the
24 Executive Office of the Governor to the Agency for Workforce
25 Innovation.

26 Section 49. Effective July 1, 2001, subsidized child
27 care programs are transferred by a type two transfer, pursuant
28 to section 20.06(2), Florida Statutes, from the Department of
29 Children and Family Services to the Agency for Workforce
30 Innovation. This transfer shall include, but not be limited
31 to, the full-time equivalent of all staff positions that

1 provide any of the following program or financial functions
2 related to the subsidized child care program: program
3 planning, policy or procedure development, rulemaking,
4 training, consultation, technical assistance, contract
5 development, contract implementation, program or financial
6 contract management, financial management, budgeting, grants
7 or revenue management, licensure, regulation, data collection
8 or analysis, and evaluation.

9 Section 50. Effective July 1, 2001, prekindergarten,
10 migrant prekindergarten, and Florida First Start programs are
11 transferred by a type two transfer, pursuant to section
12 20.06(2), Florida Statutes, from the Department of Education
13 to the Agency for Workforce Innovation. This transfer shall
14 include, but not be limited to, the full-time equivalent of
15 all staff positions that provide any of the following program
16 or financial functions related to the transferred programs:
17 program planning, policy or procedure development, rulemaking,
18 training, consultation, technical assistance, financial
19 management, budgeting, grants or revenue management, data
20 collection or analysis, and evaluation. Pursuant to contract,
21 staff performing program support functions specified by the
22 Florida Partnership for School Readiness shall be leased to
23 the partnership.

24 Section 51. Subsection (6) of section 39.201, Florida
25 Statutes, is amended to read:

26 39.201 Mandatory reports of child abuse, abandonment,
27 or neglect; mandatory reports of death; central abuse
28 hotline.--

29 (6) Information in the central abuse hotline may not
30 be used for employment screening, except as provided in s.
31 39.202(2)(a) and (h). Information in the central abuse hotline

1 and the department's automated abuse information system may be
2 used by the department, its authorized agents or contract
3 providers, the Department of Health, or county agencies as
4 part of the licensure or registration process pursuant to ss.
5 412.554-412.70 ~~402.301-402.319~~ and ss. 409.175-409.176.

6 Section 52. Subsection (1) of section 196.095, Florida
7 Statutes, is amended to read:

8 196.095 Exemption for a licensed child care facility
9 operating in an enterprise zone.--

10 (1) Any real estate used and owned as a child care
11 facility as defined in s. 412.56 ~~402.302~~ which operates in an
12 enterprise zone pursuant to chapter 290 is exempt from
13 taxation.

14 Section 53. Paragraph (m) of subsection (5) of section
15 212.08, Florida Statutes, is amended to read:

16 212.08 Sales, rental, use, consumption, distribution,
17 and storage tax; specified exemptions.--The sale at retail,
18 the rental, the use, the consumption, the distribution, and
19 the storage to be used or consumed in this state of the
20 following are hereby specifically exempt from the tax imposed
21 by this chapter.

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

23 (m) Educational materials purchased by certain child
24 care facilities.--Educational materials, such as glue, paper,
25 paints, crayons, unique craft items, scissors, books, and
26 educational toys, purchased by a child care facility that
27 meets the standards delineated in s. 412.57 ~~402.305~~, is
28 licensed under s. 412.60 ~~402.308~~, holds a current Gold Seal
29 Quality Care designation pursuant to s. 412.553 ~~402.281~~, and
30 provides basic health insurance to all employees are exempt
31 from the taxes imposed by this chapter. For purposes of this

1 paragraph, the term "basic health insurance" shall be defined
2 and promulgated in rules developed jointly by the Department
3 of Children and Family Services, the Agency for Health Care
4 Administration, and the Department of Insurance.

5 Section 54. Paragraphs (cc) and (dd) of subsection (1)
6 of section 220.03, Florida Statutes, are amended to read:

7 220.03 Definitions.--

8 (1) SPECIFIC TERMS.--When used in this code, and when
9 not otherwise distinctly expressed or manifestly incompatible
10 with the intent thereof, the following terms shall have the
11 following meanings:

12 (cc) "Child care facility startup costs" means
13 expenditures for substantial renovation, equipment, including
14 playground equipment and kitchen appliances and cooking
15 equipment, real property, including land and improvements, and
16 for reduction of debt, made in connection with a child care
17 facility as defined by s. 412.56 ~~402.302~~, or any facility
18 providing daily care to children who are mildly ill, which is
19 located in this state on the taxpayer's premises and used by
20 the employees of the taxpayer.

21 (dd) "Operation of a child care facility" means
22 operation of a child care facility as defined by s. 412.56
23 ~~402.302~~, or any facility providing daily care to children who
24 are mildly ill, which is located in this state within 5 miles
25 of at least one place of business of the taxpayer and which is
26 used by the employees of the taxpayer.

27 Section 55. Paragraph (a) of subsection (1), paragraph
28 (a) of subsection (2), and paragraph (c) of subsection (4) of
29 section 220.19, Florida Statutes, are amended to read:

30 220.19 Child care tax credits.--

31 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

1 (a)1. A credit of 50 percent of the startup costs of
2 child care facilities operated by a corporation for its
3 employees is allowed against any tax due for a taxable year
4 under this chapter. A credit against such tax is also allowed
5 for the operation of a child care facility by a corporation
6 for its employees, which credit is in the amount of \$50 per
7 month for each child enrolled in the facility.

8 2. A credit is allowed against any tax due for a
9 taxable year under this chapter for any taxpayer that makes
10 payments directly to a child care facility as defined by s.
11 412.56 ~~402.302~~ which is licensed in accordance with s. 412.57
12 ~~402.305~~, or to any facility providing daily care to children
13 who are mildly ill, which payments are made in the name of and
14 for the benefit of an employee of the taxpayer in this state
15 whose child attends the child care facility during the
16 employee's working hours. The credit shall be an amount equal
17 to 50 percent of the amount of such child care payments.

18 (2) ELIGIBILITY REQUIREMENTS.--

19 (a) A child care facility with respect to which a
20 corporation claims a child care tax credit must be a child
21 care facility as defined by s. 412.56 ~~402.302~~ and must be
22 licensed in accordance with s. 412.57 ~~402.305~~, or must be a
23 facility providing daily care to children who are mildly ill.

24 (4) ADMINISTRATION.--

25 (c) All approvals for the granting of the tax credit
26 require prior verification by the Department of Children and
27 Family Services or local licensing agency that the corporation
28 meets the licensure requirements as defined in s. 412.56
29 ~~402.302~~ and is currently licensed in accordance with s. 412.57
30 ~~402.305~~, or is a facility providing daily care to children who
31 are mildly ill.

1 Section 56. Subsection (1) of section 228.061, Florida
2 Statutes, is amended to read:

3 228.061 Other public schools; preschool programs,
4 prekindergarten early intervention programs, school-age child
5 care programs, special schools and courses.--The public
6 schools of Florida may, in addition to the schools prescribed
7 in s. 228.051, include preschool programs, prekindergarten
8 early intervention programs, school-age child care programs,
9 special schools, and courses and classes as authorized below:

10 (1) PRESCHOOL PROGRAMS.--Preschool programs shall
11 comprise classes for children who have attained the ages
12 prescribed by s. 232.01 and may be established at the
13 discretion of the school board. Such programs or classes
14 shall be supported and maintained from district taxes, from
15 such funds supplemented by tuition charges, or from funds from
16 federal or other lawful sources, exclusive of state sources;
17 however, state funds may be used to support prekindergarten
18 early intervention programs pursuant to s. 412.53 ~~230.2305~~.

19 Section 57. Paragraph (d) of subsection (3) of section
20 229.808, Florida Statutes, is amended to read:

21 229.808 Annual nonpublic school survey.--

22 (3)

23 (d) Owners or employees of nonpublic schools who have
24 been fingerprinted pursuant to this subsection, s. 231.02, s.
25 412.561 ~~402.3025~~, or s. 412.574 ~~402.3055~~ shall not be required
26 to be refingerprinted if they have not been unemployed or
27 unassociated with a nonpublic school or child care facility
28 for more than 90 days.

29 Section 58. Paragraph (a) of subsection (1) of section
30 232.01, Florida Statutes, is amended to read:

31 232.01 School attendance.--

1 (1)(a)1. All children who have attained the age of 6
2 years or who will have attained the age of 6 years by February
3 1 of any school year or who are older than 6 years of age but
4 who have not attained the age of 16 years, except as
5 hereinafter provided, are required to attend school regularly
6 during the entire school term.

7 2. Children who will have attained the age of 5 years
8 on or before September 1 of the school year are eligible for
9 admission to public kindergartens during that school year
10 under rules prescribed by the school board.

11 3. Children who will have attained the age of 3 years
12 on or before September 1 of the school year are eligible for
13 admission to prekindergarten early intervention programs
14 during that school year as provided in s. 412.53 ~~230.2305~~ or a
15 preschool program as provided in s. 228.061.

16 Section 59. Paragraph (a) of subsection (2) of section
17 381.0072, Florida Statutes, is amended to read:

18 381.0072 Food service protection.--It shall be the
19 duty of the Department of Health to adopt and enforce
20 sanitation rules consistent with law to ensure the protection
21 of the public from food-borne illness. These rules shall
22 provide the standards and requirements for the storage,
23 preparation, serving, or display of food in food service
24 establishments as defined in this section and which are not
25 permitted or licensed under chapter 500 or chapter 509.

26 (2) DUTIES.--

27 (a) The department shall adopt rules, including
28 definitions of terms which are consistent with law prescribing
29 minimum sanitation standards and manager certification
30 requirements as prescribed in s. 509.039, and which shall be
31 enforced in food service establishments as defined in this

1 section. The sanitation standards must address the
2 construction, operation, and maintenance of the establishment;
3 lighting, ventilation, laundry rooms, lockers, use and storage
4 of toxic materials and cleaning compounds, and first-aid
5 supplies; plan review; design, construction, installation,
6 location, maintenance, sanitation, and storage of food
7 equipment and utensils; employee training, health, hygiene,
8 and work practices; food supplies, preparation, storage,
9 transportation, and service, including access to the areas
10 where food is stored or prepared; and sanitary facilities and
11 controls, including water supply and sewage disposal; plumbing
12 and toilet facilities; garbage and refuse collection, storage,
13 and disposal; and vermin control. Public and private schools,
14 hospitals licensed under chapter 395, nursing homes licensed
15 under part II of chapter 400, child care facilities as defined
16 in s. 412.554 ~~402.301~~, and residential facilities colocated
17 with a nursing home or hospital if all food is prepared in a
18 central kitchen that complies with nursing or hospital
19 regulations shall be exempt from the rules developed for
20 manager certification. The department shall administer a
21 comprehensive inspection, monitoring, and sampling program to
22 ensure such standards are maintained. With respect to food
23 service establishments permitted or licensed under chapter 500
24 or chapter 509, the department shall assist the Division of
25 Hotels and Restaurants of the Department of Business and
26 Professional Regulation and the Department of Agriculture and
27 Consumer Services with rulemaking by providing technical
28 information.

29 Section 60. Section 393.0657, Florida Statutes, is
30 amended to read:

31

1 393.0657 Persons not required to be refingerprinted or
2 rescreened.--Any provision of law to the contrary
3 notwithstanding, human resource personnel who have been
4 fingerprinted or screened pursuant to chapters 393, 394, 397,
5 ~~402, and~~ 409, and 412,and teachers who have been
6 fingerprinted pursuant to chapter 231, who have not been
7 unemployed for more than 90 days thereafter, and who under the
8 penalty of perjury attest to the completion of such
9 fingerprinting or screening and to compliance with the
10 provisions of this section and the standards for good moral
11 character as contained in such provisions as ss. 110.1127(3),
12 393.0655(1), 394.457(6), 397.451, 412.57(2)~~402.305(2)~~, and
13 409.175(4), shall not be required to be refingerprinted or
14 rescreened in order to comply with any direct service provider
15 screening or fingerprinting requirements.

16 Section 61. Paragraph (b) of subsection (2) of section
17 400.906, Florida Statutes, is amended to read:

18 400.906 Initial application for license.--

19 (2) The application shall be under oath and shall
20 contain the following:

21 (b) Information which provides a source to establish
22 the suitable character and competency of the applicant in
23 accordance with the provisions of s. 412.57(2)~~402.305(2)~~and,
24 if applicable, of the owner or operator, including the name
25 and address of any licensed facility with which the applicant
26 or owner or operator has been affiliated through ownership or
27 employment within 5 years of the date of the application for a
28 license.

29 Section 62. Subsection (3) of section 400.953, Florida
30 Statutes, is amended to read:

31

1 400.953 Background screening of home medical equipment
2 provider personnel.--The agency shall require employment
3 screening as provided in chapter 435, using the level 1
4 standards for screening set forth in that chapter, for home
5 medical equipment provider personnel.

6 (3) Proof of compliance with the screening
7 requirements of s. 110.1127, s. 393.0655, s. 394.4572, s.
8 397.451, s. 412.57 ~~402.305~~, s. 412.65 ~~402.313~~, s. 409.175, s.
9 464.008, or s. 985.407 or this part must be accepted in lieu
10 of the requirements of this section if the person has been
11 continuously employed in the same type of occupation for which
12 he or she is seeking employment without a breach in service
13 that exceeds 180 days, the proof of compliance is not more
14 than 2 years old, and the person has been screened by the
15 Department of Law Enforcement. An employer or contractor shall
16 directly provide proof of compliance to another employer or
17 contractor, and a potential employer or contractor may not
18 accept any proof of compliance directly from the person
19 requiring screening. Proof of compliance with the screening
20 requirements of this section shall be provided, upon request,
21 to the person screened by the home medical equipment provider.

22 Section 63. Paragraph (a) of subsection (2) of section
23 402.164, Florida Statutes, is amended to read:

24 402.164 Legislative intent; definitions.--

25 (2) As used in ss. 402.164-402.167, the term:

26 (a) "Client" means a client as defined in s. 393.063,
27 s. 394.67, s. 397.311, or s. 400.960, a forensic client or
28 client as defined in s. 916.106, a child or youth as defined
29 in s. 39.01, a child as defined in s. 827.01, a family as
30 defined in s. 414.0252, a participant as defined in s.
31 400.551, a resident as defined in s. 400.402, a Medicaid

1 recipient or recipient as defined in s. 409.901, a child
2 receiving childcare as defined in s. 412.56 ~~402.302~~, a
3 disabled adult as defined in s. 410.032 or s. 410.603, or a
4 victim as defined in s. 39.01 or s. 415.102 as each definition
5 applies within its respective chapter.

6 Section 64. Subsection (6) of section 402.26, Florida
7 Statutes, is amended to read:

8 402.26 Child care; legislative intent.--

9 (6) It is the intent of the Legislature that a child
10 care facility licensed pursuant to s. 412.57 ~~402.305~~ or a
11 child care facility exempt from licensing pursuant to s.
12 412.68 ~~402.316~~, that achieves Gold Seal Quality status
13 pursuant to s. 412.553 ~~402.281~~, be considered an educational
14 institution for the purpose of qualifying for exemption from
15 ad valorem tax pursuant to s. 196.198.

16 Section 65. Subsection (2) of section 402.45, Florida
17 Statutes, is amended to read:

18 402.45 Community resource mother or father program.--

19 (2) No later than January 1, 1990, the department
20 shall have community resource mother or father programs
21 operational in some counties with high incidences of medically
22 underserved high-risk children, low birthweight babies, and
23 infant mortality. The programs shall be established in areas
24 where the Florida First Start Program established under s.
25 412.52 ~~230.2303~~ is not operational or is not able to serve the
26 entire population needs in a community.

27 Section 66. Paragraph (b) of subsection (5) of section
28 409.1671, Florida Statutes, is amended to read:

29 409.1671 Foster care and related services;
30 privatization.--

31 (5)

1 (b) Substitute care providers who are licensed under
2 s. 409.175 and have contracted with a lead agency authorized
3 under this section shall also be authorized to provide
4 registered or licensed family day care under s. 412.65
5 ~~402.313~~, if consistent with federal law and if the home has
6 met:

7 1. The requirements of s. 412.65 ~~402.313~~; and

8 2. The requirements of s. 412.553 ~~402.281~~ and has
9 received Gold Seal Quality Care designation.

10 Section 67. Section 409.1757, Florida Statutes, is
11 amended to read:

12 409.1757 Persons not required to be refingerprinted or
13 rescreened.--Any provision of law to the contrary
14 notwithstanding, human resource personnel who have been
15 fingerprinted or screened pursuant to chapters 393, 394, 397,
16 412 ~~402~~, and this chapter, and teachers who have been
17 fingerprinted pursuant to chapter 231, who have not been
18 unemployed for more than 90 days thereafter, and who under the
19 penalty of perjury attest to the completion of such
20 fingerprinting or screening and to compliance with the
21 provisions of this section and the standards for good moral
22 character as contained in such provisions as ss. 110.1127(3),
23 393.0655(1), 394.457(6), 397.451, 412.57(2)~~402.305(2)~~, and
24 409.175(4), shall not be required to be refingerprinted or
25 rescreened in order to comply with any caretaker screening or
26 fingerprinting requirements.

27 Section 68. Section 411.011, Florida Statutes, is
28 amended to read:

29 411.011 Records of children in school readiness
30 programs.--The individual records of children enrolled in
31 school readiness programs provided under s. 412.51 ~~411.01~~,

1 when held in the possession of the school readiness coalition
2 or the Florida Partnership for School Readiness, are
3 confidential and exempt from the provisions of s. 119.07 and
4 s. 24(a), Art. I of the State Constitution. For the purposes
5 of this section, records include assessment data, health data,
6 records of teacher observations, and identifying data,
7 including the child's social security number. A parent,
8 guardian, or individual acting as a parent in the absence of a
9 parent or guardian has the right to inspect and review the
10 individual school readiness program record of his or her child
11 and to obtain a copy of the record. School readiness records
12 may be released to the United States Secretary of Education,
13 the United States Secretary of Health and Human Services, and
14 the Comptroller General of the United States for the purpose
15 of federal audits; to individuals or organizations conducting
16 studies for institutions to develop, validate, or administer
17 assessments or improve instruction; to accrediting
18 organizations in order to carry out their accrediting
19 functions; to appropriate parties in connection with an
20 emergency if the information is necessary to protect the
21 health or safety of the student or other individuals; to the
22 Auditor General in connection with his or her official
23 functions; to a court of competent jurisdiction in compliance
24 with an order of that court pursuant to a lawfully issued
25 subpoena; and to parties to an interagency agreement among
26 school readiness coalitions, local governmental agencies,
27 providers of school readiness programs, state agencies, and
28 the Florida Partnership for School Readiness for the purpose
29 of implementing the school readiness program. Agencies,
30 organizations, or individuals that receive school readiness
31 records in order to carry out their official functions must

1 protect the data in a manner that will not permit the personal
2 identification of students and their parents by persons other
3 than those authorized to receive the records. This section is
4 subject to the Open Government Sunset Review Act of 1995 in
5 accordance with s. 119.15 and shall stand repealed on October
6 2, 2005, unless reviewed and saved from repeal through
7 reenactment by the Legislature.

8 Section 69. Paragraph (f) of subsection (8) of section
9 411.203, Florida Statutes, is amended to read:

10 411.203 Continuum of comprehensive services.--The
11 Department of Education and the Department of Health and
12 Rehabilitative Services shall utilize the continuum of
13 prevention and early assistance services for high-risk
14 pregnant women and for high-risk and handicapped children and
15 their families, as outlined in this section, as a basis for
16 the intraagency and interagency program coordination,
17 monitoring, and analysis required in this chapter. The
18 continuum shall be the guide for the comprehensive statewide
19 approach for services for high-risk pregnant women and for
20 high-risk and handicapped children and their families, and may
21 be expanded or reduced as necessary for the enhancement of
22 those services. Expansion or reduction of the continuum shall
23 be determined by intraagency or interagency findings and
24 agreement, whichever is applicable. Implementation of the
25 continuum shall be based upon applicable eligibility criteria,
26 availability of resources, and interagency prioritization when
27 programs impact both agencies, or upon single agency
28 prioritization when programs impact only one agency. The
29 continuum shall include, but not be limited to:

30 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND
31 PARENTS OF HIGH-RISK CHILDREN.--

1 (f) Parent support groups, such as the community
2 resource mother or father program as established in s. 402.45,
3 the Florida First Start Program as established in s. 412.52
4 ~~230.2303~~, or parents as first teachers, to strengthen families
5 and to enable families of high-risk children to better meet
6 their needs.

7 Section 70. Paragraphs (b) and (c) of subsection (1)
8 and subsection (4) of section 445.023, Florida Statutes, are
9 amended to read:

10 445.023 Program for dependent care for families with
11 children with special needs.--

12 (1) There is created the program for dependent care
13 for families with children with special needs. This program
14 is intended to provide assistance to families with children
15 who meet the following requirements:

16 (b) The child or children are considered to be
17 children with special needs as defined by the subsidized child
18 care program authorized under s. 412.555 ~~402.3015~~.

19 (c) The family meets the income guidelines established
20 under s. 412.555 ~~402.3015~~. Financial eligibility for this
21 program shall be based solely on the guidelines used for
22 subsidized child care, notwithstanding any financial
23 eligibility criteria to the contrary in s. 414.075, s.
24 414.085, or s. 414.095.

25 (4) In addition to child care services provided under
26 s. 412.555 ~~402.3015~~, dependent care may be provided for
27 children age 13 years and older who are in need of care due to
28 disability and where such care is needed for the parent to
29 accept or continue employment or otherwise participate in work
30 activities. The amount of subsidy shall be consistent with the
31 rates for special needs child care established by the

1 department. Dependent care needed for employment may be
2 provided as transitional services for up to 2 years after
3 eligibility for temporary cash assistance ends.

4 Section 71. Paragraphs (a) and (b) of subsection (1),
5 paragraph (a) of subsection (2), paragraph (a) of subsection
6 (3), and paragraph (c) of subsection (5) of section 624.5107,
7 Florida Statutes, are amended to read:

8 624.5107 Child care tax credits; definitions;
9 authorization; limitations; eligibility and application
10 requirements; administration; expiration.--

11 (1) DEFINITIONS.--As used in this section:

12 (a) "Child care facility startup costs" means
13 expenditures for substantial renovation, equipment, including
14 playground equipment and kitchen appliances and cooking
15 equipment, real property, including land and improvements, and
16 for reduction of debt, made in connection with the
17 establishment of a child care facility as defined by s. 412.56
18 ~~402.302~~, or any facility providing daily care to children who
19 are mildly ill, which is located in this state on the
20 insurer's premises and used by the employees of the insurer.

21 (b) "Operation of a child care facility" means
22 operation of a child care facility as defined by s. 412.56
23 ~~402.302~~, or any facility providing daily care to children who
24 are mildly ill, which is located in this state within 5 miles
25 of at least one place of business of the insurer and which is
26 used by the employees of the insurer.

27 (2) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

28 (a)1. A credit of 50 percent of the startup costs of
29 child care facilities operated by an insurer for its employees
30 is allowed against any tax due for a taxable year under s.
31 624.509 or s. 624.510. A credit against such tax is also

1 allowed for the operation of a child care facility by an
2 insurer for its employees, which credit is in the amount of
3 \$50 per month for each child enrolled in the facility.

4 2. A credit is allowed against any tax due for a
5 taxable year under s. 624.509 or s. 624.510 for any insurer
6 that makes payments directly to a child care facility as
7 defined by s. 412.56 ~~402.302~~ which is licensed in accordance
8 with s. 412.57 ~~402.305~~, or to any facility providing daily
9 care to children who are mildly ill, which payments are made
10 in the name of and for the benefit of an employee of the
11 insurer in this state whose child attends the child care
12 facility during the employee's working hours. The credit
13 shall be an amount equal to 50 percent of the amount of such
14 child care payments.

15 (3) ELIGIBILITY REQUIREMENTS.--

16 (a) A child care facility with respect to which an
17 insurer claims a child care tax credit must be a child care
18 facility as defined by s. 412.56 ~~402.302~~ and must be licensed
19 in accordance with s. 412.57 ~~402.305~~, or must be a facility
20 providing daily care to children who are mildly ill.

21 (5) ADMINISTRATION.--

22 (c) All approvals for the granting of the tax credit
23 require prior verification by the Department of Children and
24 Family Services or local licensing agency that the insurer
25 meets the licensure requirements as defined in s. 412.56
26 ~~402.302~~ and is currently licensed in accordance with s. 412.57
27 ~~402.305~~, or is a facility providing daily care to children who
28 are mildly ill.

29 Section 72. Subsection (4) of section 627.70161,
30 Florida Statutes, is amended to read:

31 627.70161 Family day care insurance.--

1 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW
2 PROHIBITED.--An insurer may not deny, cancel, or refuse to
3 renew a policy for residential property insurance solely on
4 the basis that the policyholder or applicant operates a family
5 day care home. In addition to other lawful reasons for
6 refusing to insure, an insurer may deny, cancel, or refuse to
7 renew a policy of a family day care home provider if one or
8 more of the following conditions occur:

9 (a) The policyholder or applicant provides care for
10 more children than authorized for family day care homes by s.
11 412.56 ~~402.302~~;

12 (b) The policyholder or applicant fails to maintain a
13 separate commercial liability policy or an endorsement
14 providing liability coverage for the family day care home
15 operations;

16 (c) The policyholder or applicant fails to comply with
17 the family day care home licensure and registration
18 requirements specified in s. 412.56 ~~402.313~~; or

19 (d) Discovery of willful or grossly negligent acts or
20 omissions or any violations of state laws or regulations
21 establishing safety standards for family day care homes by the
22 named insured or his or her representative which materially
23 increase any of the risks insured.

24 Section 73. Paragraph (c) of subsection (1) of section
25 893.13, Florida Statutes, is amended to read:

26 893.13 Prohibited acts; penalties.--

27 (1)

28 (c) Except as authorized by this chapter, it is
29 unlawful for any person to sell, manufacture, or deliver, or
30 possess with intent to sell, manufacture, or deliver a
31 controlled substance in, on, or within 1,000 feet of the real

1 property comprising a child care facility as defined in s.
2 412.56 ~~402.302~~ or a public or private elementary, middle, or
3 secondary school between the hours of 6 a.m. and 12 a.m. Any
4 person who violates this paragraph with respect to:

5 1. A controlled substance named or described in s.
6 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
7 commits a felony of the first degree, punishable as provided
8 in s. 775.082, s. 775.083, or s. 775.084. The defendant must
9 be sentenced to a minimum term of imprisonment of 3 calendar
10 years unless the offense was committed within 1,000 feet of
11 the real property comprising a child care facility as defined
12 in s. 412.56 ~~402.302~~.

13 2. A controlled substance named or described in s.
14 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
15 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a
16 felony of the second degree, punishable as provided in s.
17 775.082, s. 775.083, or s. 775.084.

18 3. Any other controlled substance, except as lawfully
19 sold, manufactured, or delivered, must be sentenced to pay a
20 \$500 fine and to serve 100 hours of public service in addition
21 to any other penalty prescribed by law.

22
23 This paragraph does not apply to a child care facility unless
24 the owner or operator of the facility posts a sign that is not
25 less than 2 square feet in size with a word legend identifying
26 the facility as a licensed child care facility and that is
27 posted on the property of the child care facility in a
28 conspicuous place where the sign is reasonably visible to the
29 public.

30 Section 74. Paragraph (g) of subsection (3) of section
31 921.0022, Florida Statutes, is amended to read:

1 921.0022 Criminal Punishment Code; offense severity
2 ranking chart.--

3 (3) OFFENSE SEVERITY RANKING CHART

4	5 Florida	6 Felony	
7	8 Statute	9 Degree	10 Description
11			12 (g) LEVEL 7
13	316.193(3)(c)2.	3rd	14 DUI resulting in serious bodily
14			15 injury.
15	327.35(3)(c)2.	3rd	16 Vessel BUI resulting in serious
16			17 bodily injury.
17	<u>412.70(2)</u> 402.319(2)	2nd	18 Misrepresentation and negligence
18			19 or intentional act resulting in
19			20 great bodily harm, permanent
20			21 disfiguration, permanent
21			22 disability, or death.
22	409.920(2)	3rd	23 Medicaid provider fraud.
23	456.065(2)	3rd	24 Practicing a health care
24			25 profession without a license.
25	456.065(2)	2nd	26 Practicing a health care
26			27 profession without a license
27			28 which results in serious bodily
28			29 injury.
29	458.327(1)	3rd	30 Practicing medicine without a
30			31 license.
31	459.013(1)	3rd	
	460.411(1)	3rd	

1	461.012(1)	3rd	Practicing podiatric medicine
2			without a license.
3	462.17	3rd	Practicing naturopathy without a
4			license.
5	463.015(1)	3rd	Practicing optometry without a
6			license.
7	464.016(1)	3rd	Practicing nursing without a
8			license.
9	465.015(2)	3rd	Practicing pharmacy without a
10			license.
11	466.026(1)	3rd	Practicing dentistry or dental
12			hygiene without a license.
13	467.201	3rd	Practicing midwifery without a
14			license.
15	468.366	3rd	Delivering respiratory care
16			services without a license.
17	483.828(1)	3rd	Practicing as clinical laboratory
18			personnel without a license.
19	483.901(9)	3rd	Practicing medical physics
20			without a license.
21	484.053	3rd	Dispensing hearing aids without a
22			license.
23	494.0018(2)	1st	Conviction of any violation of
24			ss. 494.001-494.0077 in which the
25			total money and property
26			unlawfully obtained exceeded
27			\$50,000 and there were five or
28			more victims.
29			
30			
31			

1	560.123(8)(b)1.	3rd	Failure to report currency or
2			payment instruments exceeding
3			\$300 but less than \$20,000 by
4			money transmitter.
5	560.125(5)(a)	3rd	Money transmitter business by
6			unauthorized person, currency or
7			payment instruments exceeding
8			\$300 but less than \$20,000.
9	655.50(10)(b)1.	3rd	Failure to report financial
10			transactions exceeding \$300 but
11			less than \$20,000 by financial
12			institution.
13	782.051(3)	2nd	Attempted felony murder of a
14			person by a person other than the
15			perpetrator or the perpetrator of
16			an attempted felony.
17	782.07(1)	2nd	Killing of a human being by the
18			act, procurement, or culpable
19			negligence of another
20			(manslaughter).
21	782.071	2nd	Killing of human being or viable
22			fetus by the operation of a motor
23			vehicle in a reckless manner
24			(vehicular homicide).
25	782.072	2nd	Killing of a human being by the
26			operation of a vessel in a
27			reckless manner (vessel
28			homicide).
29	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
30			causing great bodily harm or
31			disfigurement.

1	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
2			weapon.
3	784.045(1)(b)	2nd	Aggravated battery; perpetrator
4			aware victim pregnant.
5	784.048(4)	3rd	Aggravated stalking; violation of
6			injunction or court order.
7	784.07(2)(d)	1st	Aggravated battery on law
8			enforcement officer.
9	784.08(2)(a)	1st	Aggravated battery on a person 65
10			years of age or older.
11	784.081(1)	1st	Aggravated battery on specified
12			official or employee.
13	784.082(1)	1st	Aggravated battery by detained
14			person on visitor or other
15			detainee.
16	784.083(1)	1st	Aggravated battery on code
17			inspector.
18	790.07(4)	1st	Specified weapons violation
19			subsequent to previous conviction
20			of s. 790.07(1) or (2).
21	790.16(1)	1st	Discharge of a machine gun under
22			specified circumstances.
23	790.166(3)	2nd	Possessing, selling, using, or
24			attempting to use a hoax weapon
25			of mass destruction.
26	796.03	2nd	Procuring any person under 16
27			years for prostitution.
28	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
29			victim less than 12 years of age;
30			offender less than 18 years.
31			

1	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
2			victim 12 years of age or older
3			but less than 16 years; offender
4			18 years or older.
5	806.01(2)	2nd	Maliciously damage structure by
6			fire or explosive.
7	810.02(3)(a)	2nd	Burglary of occupied dwelling;
8			unarmed; no assault or battery.
9	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
10			unarmed; no assault or battery.
11	810.02(3)(d)	2nd	Burglary of occupied conveyance;
12			unarmed; no assault or battery.
13	812.014(2)(a)	1st	Property stolen, valued at
14			\$100,000 or more; property stolen
15			while causing other property
16			damage; 1st degree grand theft.
17	812.019(2)	1st	Stolen property; initiates,
18			organizes, plans, etc., the theft
19			of property and traffics in
20			stolen property.
21	812.131(2)(a)	2nd	Robbery by sudden snatching.
22	812.133(2)(b)	1st	Carjacking; no firearm, deadly
23			weapon, or other weapon.
24	825.102(3)(b)	2nd	Neglecting an elderly person or
25			disabled adult causing great
26			bodily harm, disability, or
27			disfigurement.
28	825.1025(2)	2nd	Lewd or lascivious battery upon
29			an elderly person or disabled
30			adult.
31			

1	825.103(2)(b)	2nd	Exploiting an elderly person or
2			disabled adult and property is
3			valued at \$20,000 or more, but
4			less than \$100,000.
5	827.03(3)(b)	2nd	Neglect of a child causing great
6			bodily harm, disability, or
7			disfigurement.
8	827.04(3)	3rd	Impregnation of a child under 16
9			years of age by person 21 years
10			of age or older.
11	837.05(2)	3rd	Giving false information about
12			alleged capital felony to a law
13			enforcement officer.
14	872.06	2nd	Abuse of a dead human body.
15	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
16			cocaine (or other drug prohibited
17			under s. 893.03(1)(a), (1)(b),
18			(1)(d), (2)(a), (2)(b), or
19			(2)(c)4.) within 1,000 feet of a
20			child care facility or school.
21	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
22			cocaine or other drug prohibited
23			under s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4., within 1,000 feet of
26			property used for religious
27			services or a specified business
28			site.
29			
30			
31			

1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), (2)(b), or
4			(2)(c)4. drugs).
5	893.135(1)(a)1.	1st	Trafficking in cannabis, more
6			than 50 lbs., less than 2,000
7			lbs.
8	893.135		
9	(1)(b)1.a.	1st	Trafficking in cocaine, more than
10			28 grams, less than 200 grams.
11	893.135		
12	(1)(c)1.a.	1st	Trafficking in illegal drugs,
13			more than 4 grams, less than 14
14			grams.
15	893.135		
16	(1)(d)1.	1st	Trafficking in phencyclidine,
17			more than 28 grams, less than 200
18			grams.
19	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
20			than 200 grams, less than 5
21			kilograms.
22	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
23			than 14 grams, less than 28
24			grams.
25	893.135		
26	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
27			grams or more, less than 14
28			grams.
29			
30			
31			

1 893.135
2 (1)(h)1.a. 1st Trafficking in
3 gamma-hydroxybutyric acid (GHB),
4 1 kilogram or more, less than 5
5 kilograms.
6 893.135
7 (1)(i)1.a. 1st Trafficking in 1,4-Butanediol, 1
8 kilogram or more, less than 5
9 kilograms.
10 893.135
11 (1)(j)2.a. 1st Trafficking in Phenethylamines,
12 10 grams or more, less than 200
13 grams.
14 896.101(5)(a) 3rd Money laundering, financial
15 transactions exceeding \$300 but
16 less than \$20,000.
17 896.104(4)(a)1. 3rd Structuring transactions to evade
18 reporting or registration
19 requirements, financial
20 transactions exceeding \$300 but
21 less than \$20,000.
22 Section 75. Paragraph (a) of subsection (4) of section
23 943.0585, Florida Statutes, is amended to read:
24 943.0585 Court-ordered expunction of criminal history
25 records.--The courts of this state have jurisdiction over
26 their own procedures, including the maintenance, expunction,
27 and correction of judicial records containing criminal history
28 information to the extent such procedures are not inconsistent
29 with the conditions, responsibilities, and duties established
30 by this section. Any court of competent jurisdiction may
31 order a criminal justice agency to expunge the criminal

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

1 | jurisdictions relating to expunction, correction, or
2 | confidential handling of criminal history records or
3 | information derived therefrom. This section does not confer
4 | any right to the expunction of any criminal history record,
5 | and any request for expunction of a criminal history record
6 | may be denied at the sole discretion of the court.

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

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

- 27 | 1. Is a candidate for employment with a criminal
28 | justice agency;
29 | 2. Is a defendant in a criminal prosecution;
30 | 3. Concurrently or subsequently petitions for relief
31 | under this section or s. 943.059;

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

2 5. Is seeking to be employed or licensed by or to
3 contract with the Department of Children and Family Services
4 or the Department of Juvenile Justice or to be employed or
5 used by such contractor or licensee in a sensitive position
6 having direct contact with children, the developmentally
7 disabled, the aged, or the elderly as provided in s.
8 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
9 412.56(4)~~402.302(3)~~, s. 412.65(3)~~402.313(3)~~, s.

10 409.175(2)(i), s. 415.102(4), s. 985.407, or chapter 400; or

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

16 Section 76. Paragraph (a) of subsection (4) of section
17 943.059, Florida Statutes, is amended to read:

18 943.059 Court-ordered sealing of criminal history
19 records.--The courts of this state shall continue to have
20 jurisdiction over their own procedures, including the
21 maintenance, sealing, and correction of judicial records
22 containing criminal history information to the extent such
23 procedures are not inconsistent with the conditions,
24 responsibilities, and duties established by this section. Any
25 court of competent jurisdiction may order a criminal justice
26 agency to seal the criminal history record of a minor or an
27 adult who complies with the requirements of this section. The
28 court shall not order a criminal justice agency to seal a
29 criminal history record until the person seeking to seal a
30 criminal history record has applied for and received a
31 certificate of eligibility for sealing pursuant to subsection

1 (2). A criminal history record that relates to a violation of
2 chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839,
3 s. 893.135, or a violation enumerated in s. 907.041 may not be
4 sealed, without regard to whether adjudication was withheld,
5 if the defendant was found guilty of or pled guilty or nolo
6 contendere to the offense, or if the defendant, as a minor,
7 was found to have committed or pled guilty or nolo contendere
8 to committing the offense as a delinquent act. The court may
9 only order sealing of a criminal history record pertaining to
10 one arrest or one incident of alleged criminal activity,
11 except as provided in this section. The court may, at its sole
12 discretion, order the sealing of a criminal history record
13 pertaining to more than one arrest if the additional arrests
14 directly relate to the original arrest. If the court intends
15 to order the sealing of records pertaining to such additional
16 arrests, such intent must be specified in the order. A
17 criminal justice agency may not seal any record pertaining to
18 such additional arrests if the order to seal does not
19 articulate the intention of the court to seal records
20 pertaining to more than one arrest. This section does not
21 prevent the court from ordering the sealing of only a portion
22 of a criminal history record pertaining to one arrest or one
23 incident of alleged criminal activity. Notwithstanding any law
24 to the contrary, a criminal justice agency may comply with
25 laws, court orders, and official requests of other
26 jurisdictions relating to sealing, correction, or confidential
27 handling of criminal history records or information derived
28 therefrom. This section does not confer any right to the
29 sealing of any criminal history record, and any request for
30 sealing a criminal history record may be denied at the sole
31 discretion of the court.

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

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

- 16 1. Is a candidate for employment with a criminal
17 justice agency;
- 18 2. Is a defendant in a criminal prosecution;
- 19 3. Concurrently or subsequently petitions for relief
20 under this section or s. 943.0585;
- 21 4. Is a candidate for admission to The Florida Bar;
- 22 5. Is seeking to be employed or licensed by or to
23 contract with the Department of Children and Family Services
24 or the Department of Juvenile Justice or to be employed or
25 used by such contractor or licensee in a sensitive position
26 having direct contact with children, the developmentally
27 disabled, the aged, or the elderly as provided in s.
28 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
29 412.56(4)~~402.302(3)~~, s. 412.65(3)~~402.313(3)~~, s.
30 409.175(2)(i), s. 415.102(4), s. 415.103, s. 985.407, or
31 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 which
5 licenses child care facilities.

6 Section 77. Subsection (2) of section 985.04, Florida
7 Statutes, is amended to read:

8 985.04 Oaths; records; confidential information.--

9 (2) Records maintained by the Department of Juvenile
10 Justice, including copies of records maintained by the court,
11 which pertain to a child found to have committed a delinquent
12 act which, if committed by an adult, would be a crime
13 specified in ss. 110.1127, 393.0655, 394.457, 397.451,
14 412.57(2)~~402.305(2)~~, 409.175, and 409.176 may not be
15 destroyed pursuant to this section, except in cases of the
16 death of the child. Such records, however, shall be sealed by
17 the court for use only in meeting the screening requirements
18 for personnel in s. 412.574 ~~402.3055~~ and the other sections
19 cited above, or pursuant to departmental rule; however,
20 current criminal history information must be obtained from the
21 Department of Law Enforcement in accordance with s. 943.053.
22 The information shall be released to those persons specified
23 in the above cited sections for the purposes of complying with
24 those sections. The court may punish by contempt any person
25 who releases or uses the records for any unauthorized purpose.

26 Section 78. Paragraph (e) of subsection (4) of section
27 985.05, Florida Statutes, is amended to read:

28 985.05 Court records.--

29 (4) A court record of proceedings under this part is
30 not admissible in evidence in any other civil or criminal
31 proceeding, except that:

1 (e) Records of proceedings under this part may be used
2 to prove disqualification pursuant to ss. 110.1127, 393.0655,
3 394.457, 397.451, 412.57 ~~402.305~~, 412.65 ~~402.313~~, 409.175,
4 409.176, and 985.407.

5 Section 79. This act shall take effect upon becoming a
6 law.

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9 LEGISLATIVE SUMMARY

10 Requires the Agency for Workforce Innovation to provide
11 staff and other support to the Florida Partnership for
12 School Readiness and transfers state responsibility for
13 prekindergarten programs, including subsidized child
14 care, from various state departments to the agency and
the partnership. Changes the designation of offices
within the agency to reflect the added jurisdiction and
responsibilities.

15 Transfers funding, personnel, and other items from the
16 Executive Office of the Governor and the Department of
17 Children and Family Services to the Agency for Workforce
Innovation.

18 Places local responsibility for school readiness programs
19 with local school readiness coalitions rather than with
20 district school boards.

21 (See bill for details.)
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