

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Lynn offered the following:

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**Amendment (with title amendment)**

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On page 9, between lines 27 and 28, of the bill

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insert:

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Section 3. Paragraph (a) of subsection (1) of section 402.3055, Florida Statutes, is amended to read:

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402.3055 Child care personnel requirements.--

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(1) REQUIREMENTS FOR CHILD CARE PERSONNEL.--

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

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1. If the applicant, owner, or operator admits that he or she has been a party in such action, the department or

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1 local licensing agency shall review the nature of the  
2 suspension, revocation, disciplinary action, or fine before  
3 granting the applicant a license to operate a child care  
4 facility.

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

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

17 Section 4. Section 402.3105, Florida Statutes, is  
18 created to read:

19 402.3105 Central database on violations, citations,  
20 and penalties imposed against child care facilities.--The  
21 Department of Children and Family Services shall establish and  
22 maintain a central database to record and compile all district  
23 information relating to violations, citations, and penalties  
24 imposed against child care facilities regulated by the  
25 department. The database shall be designed by the State  
26 Technology Office, in consultation with the department  
27 pursuant to chapter 282, and the department shall implement,  
28 operate, and maintain the system in accordance with the  
29 policies and procedures established by the office. The  
30 database shall be operated in a manner that enables the  
31 department to identify and locate such information for

1 purposes of monitoring and evaluating the uniformity and  
2 effectiveness of district investigations and enforcement, in  
3 order to ensure compliance of child care facilities with state  
4 regulatory requirements. The database shall further maintain  
5 and produce aggregate statistical reports monitoring patterns  
6 of violations, citations, and penalties, including the classes  
7 and types of violations, and any actions taken to suspend or  
8 revoke the license of a child care facility. The information  
9 in the database shall serve as a resource for the evaluation  
10 of child care facilities for license renewal but may not be  
11 used for employment screening. The information in the database  
12 shall be made available to the public upon request.

13 Section 5. The Department of Children and Family  
14 Services shall establish and impose uniform penalties for  
15 violations of ss. 402.301-402.319, Florida Statutes, and rules  
16 adopted thereunder.

17 Section 6. Upon the effective date of this act, the  
18 Department of Children and Family Services shall implement the  
19 provisions of this act relating to compilation, maintenance,  
20 and availability of data, public access thereto, and uniform  
21 penalties, and such implementation shall not be subject to an  
22 appropriation.

23 Section 7. Subsection (9) of section 409.146, Florida  
24 Statutes, is amended to read:

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

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

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

13 Section 8. Subsection (6) of section 402.301, Florida  
14 Statutes, is amended to read:

15 402.301 Child care facilities; legislative intent and  
16 declaration of purpose and policy.--It is the legislative  
17 intent to protect the health, safety, and well-being of the  
18 children of the state and to promote their emotional and  
19 intellectual development and care. Toward that end:

20 (1) It is the purpose of ss. 402.301-402.319 to  
21 establish statewide minimum standards for the care and  
22 protection of children in child care facilities, to ensure  
23 maintenance of these standards, and to approve county  
24 administration and enforcement to regulate conditions in such  
25 facilities through a program of licensing.

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

29 (3) It shall be the policy of the state to ensure  
30 protection of children and to encourage child care providers  
31 and parents to share responsibility for and to assist in the

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1 improvement of child care programs.

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

5 (5) It is the further legislative intent that the  
6 freedom of religion of all citizens shall be inviolate.  
7 Nothing in ss. 402.301-402.319 shall give any governmental  
8 agency jurisdiction or authority to regulate, supervise, or in  
9 any way be involved in any Sunday School, Sabbath School, or  
10 religious services or any nursery service or other program  
11 conducted during religious or church services primarily for  
12 the convenience of those attending such services.

13 (6) It is further the intent that membership  
14 organizations that do not provide child care for school-age  
15 children for more than four hours per day, and are affiliated  
16 with national organizations ~~which do not provide child care,~~  
17 whose primary purpose is providing activities that contribute  
18 to the development of good character or good sportsmanship or  
19 to the education or cultural development of minors in this  
20 state, which charge only a nominal annual membership fee,  
21 which are not for profit, and which are certified by their  
22 national associations as being in compliance with the  
23 association's minimum standards and procedures, shall not be  
24 considered child care facilities and therefore, their  
25 personnel shall not be required to be screened. Care for  
26 children under the age of Kindergarten is considered child  
27 care and is subject to the provisions of s. 402.301 through  
28 402.19.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 12,

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5 after the semicolon insert:

6 amending s. 402.3055, F.S.; requiring  
7 validation of information provided by an  
8 applicant for a child care facility license;  
9 creating s. 402.3105, F.S.; requiring the  
10 Department of Children and Family Services to  
11 establish a database of information relating to  
12 violations, citations, and penalties imposed  
13 against child care facilities regulated by the  
14 state; providing duties of the State Technology  
15 Office; specifying database capabilities and  
16 uses of information contained therein;  
17 requiring the department to establish and  
18 impose uniform penalties; providing that  
19 implementation is not subject to an  
20 appropriation; amending s. 409.146, F.S.,  
21 relating to children and families client and  
22 management information; deleting obsolete  
23 language; amending s. 402.301, F.S., specifying  
24 which membership organizations are not  
25 considered child care facilities;

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