

By Representative Murman

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; correcting cross
21 references; amending s. 230.23, F.S.; requiring
22 school boards to work through the Florida
23 Partnership for School Readiness with regard to
24 programs for early childhood and basic skills
25 development; renumbering as s. 412.51, F.S.,
26 and amending s. 411.01, F.S.; transferring the
27 Florida Partnership for School Readiness from
28 the Executive Office of the Governor to the
29 Agency for Workforce Innovation; increasing the
30 membership of the partnership and the number of
31 members required for a quorum; requiring

1 partnership members to abstain from voting in
2 certain circumstances; designating the
3 partnership as the lead agency for certain
4 federal programs; authorizing the partnership
5 to adopt rules through the agency; directing
6 that the partnership's budget shall be part of
7 the agency's budget; revising entities to which
8 the partnership must make legislative
9 recommendations; requiring the partnership to
10 prepare a long-range program plan; changing the
11 membership of local school readiness
12 coalitions; requiring members of the coalitions
13 to abstain from voting in certain
14 circumstances; authorizing the school readiness
15 program to include certain school-age children;
16 correcting 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 language; 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 language; 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 correcting 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; correcting a cross reference;
22 renumbering as s. 412.554, F.S., and amending
23 s. 402.301, F.S.; correcting 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 correcting 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"; correcting 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 correcting 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; correcting 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 language; eliminating the child care technical
19 review panel; correcting cross references;
20 renumbering as s. 412.571, F.S., and amending
21 s. 402.3051, F.S.; providing a definition;
22 transferring certain authority relating to
23 reimbursement of providers from the Department
24 of Children and Family Services to the Agency
25 for Workforce Innovation and local school
26 readiness coalitions; eliminating certain grant
27 authority of the Department of Children and
28 Family Services; transferring certain
29 rulemaking authority from the Department of
30 Children and Family Services to the Agency for
31 Workforce Innovation; correcting cross

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

23 correcting cross references; renumbering as s.
24 412.58, F.S., and amending s. 402.306, F.S.;

25 transferring the authority of the Department of
26 Children and Family Services relating to local
27 licensing of child care facilities to the
28 Agency for Workforce Innovation; correcting a
29 cross reference; renumbering as s. 412.59,
30 F.S., and amending s. 402.307, F.S.;

31 transferring the authority of the Department of

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

1 inspections of child care facilities;
2 renumbering as s. 412.64, F.S., and amending s.
3 402.312, F.S.; transferring the authority to
4 obtain certain injunctions and to impose
5 administrative fines from the Department of
6 Children and Family Services to the Agency for
7 Workforce Innovation; correcting cross
8 references; renumbering as s. 412.641, F.S.,
9 and amending s. 402.3125, F.S.; requiring child
10 care facility licenses to bear the seal of the
11 Agency for Workforce Innovation rather than the
12 seal of the Department of Children and Family
13 Services; transferring the duty of the
14 Department of Children and Family Services to
15 develop model brochures to the Agency for
16 Workforce Innovation; correcting cross
17 references; renumbering as s. 412.65, F.S., and
18 amending s. 402.313, F.S.; transferring the
19 authority, including rulemaking authority, of
20 the Department of Children and Family Services
21 relating to the licensure, registration, and
22 disciplining of family day care homes to the
23 Agency for Workforce Innovation; deleting
24 obsolete language; requiring the Florida
25 Partnership for School Readiness, rather than
26 the Department of Children and Family Services,
27 to prepare a brochure on family day care,
28 evaluate a registration and licensure system,
29 and institute a media campaign; correcting
30 cross references; renumbering as s. 412.651,
31 F.S., and amending s. 402.3131, F.S.;

1 transferring the licensure and disciplinary
2 authority, including rulemaking authority, of
3 the Department of Children and Family Services
4 relating to large family child care homes to
5 the Agency for Workforce Innovation; requiring
6 the Agency for Workforce Innovation, rather
7 than the Department of Children and Family
8 Services, to prepare a brochure on large family
9 day care homes; correcting cross references;
10 renumbering as s. 412.652, F.S., and amending
11 s. 402.3135, F.S.; transferring the authority
12 of the Department of Children and Family
13 Services relating to the child care case
14 management program to the Agency for Workforce
15 Innovation; renumbering as s. 412.66, F.S., and
16 amending s. 402.314, F.S.; requiring the Agency
17 for Workforce Innovation, rather than the
18 Department of Children and Family Services, to
19 provide supportive services to child care
20 entities; renumbering as s. 412.661, F.S., and
21 amending s. 402.3145, F.S.; requiring the
22 Agency for Workforce Innovation, rather than
23 the Department of Children and Family Services,
24 to establish a subsidized child care
25 transportation system; requiring local school
26 readiness coalitions, rather than the state
27 community child care coordination agencies, to
28 contract for the provision of transportation
29 services; renumbering as s. 412.67, F.S., and
30 amending s. 402.315, F.S.; requiring the Agency
31 for Workforce Innovation, rather than the

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

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

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 20.50, Florida Statutes, is amended
31 to read:

1 20.50 Agency for Workforce Innovation.--There is
2 created the Agency for Workforce Innovation within the
3 Department of Management Services. The ~~agency shall be a~~
4 ~~separate budget entity, and the~~ director of the agency shall
5 be the agency head for all purposes. The agency shall not be
6 subject to control, supervision, or direction by the
7 Department of Management Services in any manner, including,
8 but not limited to, personnel, purchasing, transactions
9 involving real or personal property, and budgetary matters.

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

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

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

30 (c) ~~(b)~~ Unless otherwise provided by agreement with
31 Workforce Florida, Inc., or the Florida Partnership for School

1 Readiness, administrative and personnel policies of the Agency
2 for Workforce Innovation shall apply.

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

26 (a) The Office of Programs and ~~Workforce~~ Services
27 shall:

28 1. Administer state merit system program staff within
29 the workforce service delivery system and the school readiness
30 system, pursuant to policies of Workforce Florida, Inc., and
31 the Florida Partnership for School Readiness, respectively.

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

8
9 The office shall be directed by the Deputy Director for
10 Programs and Workforce Services, who shall be appointed by and
11 serve at the pleasure of the director.

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

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

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

27 3. Annual review of each regional workforce board and
28 administrative entity to ensure adequate systems of reporting
29 and control are in place, and monitoring, quality assurance,
30 and quality improvement activities are conducted routinely,
31 and corrective action is taken to eliminate deficiencies.

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

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

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

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

1 Florida Partnership for School Readiness, sign contracts,
2 grants, and other instruments as necessary to execute
3 functions assigned to the agency. Notwithstanding other
4 provisions of law, the following federal grants and other
5 funds are assigned for administration to the Agency for
6 Workforce Innovation:

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

11 (b) Programs authorized under the Wagner-Peyser Act of
12 1933, as amended, 29 U.S.C. ss. 49 et seq.

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

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

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

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

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

28 (h) Designated state and local program expenditures
29 under part A of Title IV of the Social Security Act for
30 welfare transition workforce services associated with the
31 Temporary Assistance for Needy Families Program.

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

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

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

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

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

26 (c) Specifications or criteria under which any
27 regional workforce board may award bonus points or otherwise
28 give preference to competitive service provider applications
29 that provide minimum criteria for assuring competent case
30 management, including, but not limited to, maximum caseload
31 per case manager, current staff turnover rate, minimum

1 educational or work experience requirements, and a
2 differentiated compensation plan based on the competency
3 levels of personnel.

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

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

15 216.136 Consensus estimating conferences; duties and
16 principals.--

17 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

18 (a) Duties.--

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

27 2. In addition, the Social Services Estimating
28 Conference shall develop estimates and forecasts of the
29 unduplicated count of children eligible for subsidized child
30 care as defined in s. 412.555(1)~~402.3015(1)~~. These estimates
31 and forecasts shall not include children enrolled in the

1 prekindergarten early intervention program established in s.
2 412.53 ~~230.2305~~.

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

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

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

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

31

1 Section 3. Paragraph (o) of subsection (4) of section
2 230.23, Florida Statutes, is amended to read:

3 230.23 Powers and duties of school board.--The school
4 board, acting as a board, shall exercise all powers and
5 perform all duties listed below:

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

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

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

18 412.51 ~~411.01~~ Florida Partnership for School
19 Readiness; school readiness coalitions.--

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

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

29 (b)1. The Florida Partnership for School Readiness
30 shall include the Lieutenant Governor, the Commissioner of
31 Education, the Secretary of Children and Family Services, and

1 the Secretary of Health, or their designees, ~~and~~ the chair of
2 the Child Care Executive Partnership Board, and the
3 chairperson of the Board of Directors of Workforce Florida,
4 Inc. When the Lieutenant Governor or an agency head appoints a
5 designee, the designee must be an individual who attends
6 consistently, and, in the event that the Lieutenant Governor
7 or agency head and his or her designee both attend a meeting,
8 only one of them may vote.

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

28 (c) The partnership shall meet at least quarterly but
29 may meet as often as it deems necessary to carry out its
30 duties and responsibilities. Members of the partnership shall
31 participate without proxy at the quarterly meetings. The

1 partnership may take official action by a majority vote of the
2 members present at any meeting at which a quorum is present. A
3 quorum shall consist of a majority of the members, plus one.
4 The partnership shall hold its first meeting by October 1,
5 1999.

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

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

18 (f) For the purposes of tort liability, the members of
19 the partnership and its employees shall be governed by s.
20 768.28.

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

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

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

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

11 1. Be responsible for the prudent use of all public
12 and private funds in accordance with all legal and contractual
13 requirements.

14 2. Provide final approval and periodic review of
15 coalitions and plans.

16 3. Provide leadership for enhancement of school
17 readiness in this state by aggressively establishing a unified
18 approach to the state's efforts toward enhancement of school
19 readiness. In support of this effort, the partnership may
20 develop and implement specific strategies that address the
21 state's school readiness programs.

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

25 5. Provide technical assistance to coalitions.

26 6. Assess gaps in service.

27 7. Provide technical assistance to counties that form
28 a multicounty coalition.

29 8.a. By July 1, 2000, adopt a system for measuring
30 school readiness that provides objective data regarding the
31 expectations for school readiness, and establish a method for

1 collecting the data and guidelines for using the data. The
2 measurement, the data collection, and the use of the data must
3 serve the statewide school readiness goal. The criteria for
4 determining which data to collect should be the usefulness of
5 the data to state policymakers and local program
6 administrators in administering programs and allocating state
7 funds, and must include the tracking of school readiness
8 system information back to individual school readiness
9 programs to assist in determining program effectiveness.

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

17 9. By June 1, 2000, develop and adopt performance
18 standards and outcome measures.

19 10. In consultation with the Postsecondary Education
20 Planning Commission and the Education Standards Commission,
21 assess the expertise of public and private Florida
22 postsecondary institutions in the areas of infant and toddler
23 developmental research; the related curriculum of training,
24 career, and academic programs; and the status of articulation
25 among those programs. Based on this assessment, the
26 partnership shall provide recommendations to the Governor and
27 the Legislature for postsecondary program improvements to
28 enhance school readiness initiatives.

29 ~~(k)(j)~~ The partnership, through the Agency for
30 Workforce Innovation, may adopt rules necessary to administer
31 the provisions of this section which relate to preparing and

1 implementing the system for school readiness, collecting data,
2 approving local school readiness coalitions and plans,
3 providing a method whereby a coalition can serve two or more
4 counties, awarding incentives to coalitions, and issuing
5 waivers.

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

14 (m)~~(l)~~ The Florida Partnership for School Readiness
15 shall be an independent, nonpartisan body and shall not be
16 identified or affiliated with any one agency, program, or
17 group.

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

24 (o)~~(n)~~ The partnership shall coordinate the efforts
25 toward school readiness in this state and provide independent
26 policy analyses and recommendations to the Governor, the State
27 Board of Education, and the Legislature.

28 (p)~~(o)~~ By July 1, 2000, the partnership shall prepare
29 and submit to the State Board of Education a system for
30 measuring school readiness. The system must include a uniform
31 screening, which shall provide objective data regarding the

1 following expectations for school readiness which shall
2 include, at a minimum:
3 1. The child's immunizations and other health
4 requirements as necessary, including appropriate vision and
5 hearing screening and examinations.
6 2. The child's physical development.
7 3. The child's compliance with rules, limitations, and
8 routines.
9 4. The child's ability to perform tasks.
10 5. The child's interactions with adults.
11 6. The child's interactions with peers.
12 7. The child's ability to cope with challenges.
13 8. The child's self-help skills.
14 9. The child's ability to express his or her needs.
15 10. The child's verbal communication skills.
16 11. The child's problem-solving skills.
17 12. The child's following of verbal directions.
18 13. The child's demonstration of curiosity,
19 persistence, and exploratory behavior.
20 14. The child's interest in books and other printed
21 materials.
22 15. The child's paying attention to stories.
23 16. The child's participation in art and music
24 activities.
25 17. The child's ability to identify colors, geometric
26 shapes, letters of the alphabet, numbers, and spatial and
27 temporal relationships.
28 (q)~~(p)~~ The partnership shall prepare a plan for
29 implementing the system for measuring school readiness in such
30 a way that all children in this state will undergo the uniform
31 screening established by the partnership when they enter

1 kindergarten. Children who enter public school for the first
2 time in first grade must undergo a uniform screening approved
3 by the partnership for use in first grade. Because children
4 with disabilities may not be able to meet all of the
5 identified expectations for school readiness, the plan for
6 measuring school readiness shall incorporate mechanisms for
7 recognizing the potential variations in expectations for
8 school readiness when serving children with disabilities and
9 shall provide for communities to serve children with
10 disabilities.

11 (r)~~(q)~~ The partnership shall recommend to the
12 Governor, ~~the Commissioner of Education, and the State Board~~
13 ~~of Education~~ rules, and revisions or repeal of rules, which
14 would increase the effectiveness of programs that prepare
15 children for school.

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

19 (t)~~(s)~~ By February 1, 2000, the partnership shall work
20 with the Office of the Comptroller for electronic funds
21 transfer.

22 (u)~~(t)~~ By February 1, 2000, the partnership shall
23 present to the Legislature a plan for combining funding
24 streams for school readiness programs into a School Readiness
25 Trust Fund.

26 (v)~~(u)~~ The partnership shall prepare a long-range
27 program plan consistent with s. 216.013 for establish
28 ~~procedures for performance-based budgeting in school readiness~~
29 programs.

30 (w)~~(v)~~ The partnership shall submit an annual report
31 of its activities to the Governor, the executive director of

1 the Florida Healthy Kids Corporation, the President of the
2 Senate, the Speaker of the House of Representatives, and the
3 minority leaders of both houses of the Legislature. In
4 addition, the partnership's reports and recommendations shall
5 be made available to the State Board of Education, other
6 appropriate state agencies and entities, district school
7 boards, central agencies for child care, and county health
8 departments. The annual report must provide an analysis of
9 school readiness activities across the state, including the
10 number of children who were served in the programs and the
11 number of children who were ready for school.

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

16
17 To ensure that the system for measuring school readiness is
18 comprehensive and appropriate statewide, as the system is
19 developed and implemented, the partnership must consult with
20 representatives of district school systems, providers of
21 public and private child care, health care providers, large
22 and small employers, experts in education for children with
23 disabilities, and experts in child development.

24 (5) CREATION OF SCHOOL READINESS COALITIONS.--

25 (a) School readiness coalitions.--

26 1. If a coalition's plan would serve less than 400
27 birth-to-kindergarten age children, the coalition must either
28 join with another county to form a multicounty coalition,
29 enter an agreement with a fiscal agent to serve more than one
30 coalition, or demonstrate to the partnership its ability to
31 effectively and efficiently implement its plan as a

1 single-county coalition and meet all required performance
2 standards and outcome measures.

3 2. Each coalition shall have at least 18 but not more
4 than 25 members and such members must include the following:

5 a. A Department of Children and Family Services
6 district administrator or his or her designee who is
7 authorized to make decisions on behalf of the department.

8 b. A district superintendent of schools or his or her
9 designee who is authorized to make decisions on behalf of the
10 district.

11 c. A regional workforce development board chair or
12 director, where applicable.

13 d. A county health department director or his or her
14 designee.

15 e. A children's services council or juvenile welfare
16 board chair or executive director, if applicable.

17 f. A child care licensing agency head.

18 ~~g. One member appointed by a Department of Children~~
19 ~~and Family Services district administrator.~~

20 g.h. One member appointed by a board of county
21 commissioners.

22 ~~h.i.~~ One member appointed by a district school board.

23 i.j. A central child care agency administrator.

24 j.k. A Head Start director.

25 ~~k.l.~~ A representative of private child care providers.

26 l.m. A representative of faith-based child care
27 providers.

28

29 More than one-third of the coalition members must be from the
30 private sector, and neither they nor their families may earn
31 an income from the early education and child care industry. To

1 meet this requirement a coalition must appoint additional
2 members from a list of nominees presented to the coalition by
3 a chamber of commerce or economic development council within
4 the geographic area of the coalition.

5 3. No member of a coalition may appoint a designee to
6 act in his or her place. A member may send a representative to
7 coalition meetings, but that representative will have no
8 voting privileges. When a district superintendent of schools
9 or a district administrator for the Department of Children and
10 Family Services appoints a designee to a school readiness
11 coalition, the designee will be the voting member of the
12 coalition, and any individual attending in his or her place,
13 including the district administrator or superintendent, will
14 have no voting privileges.

15 4. The school readiness coalition shall replace the
16 district interagency coordinating council formerly required
17 under s. 230.2305.

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

20 6. For the purposes of tort liability, the members of
21 the school readiness coalition and its employees shall be
22 governed by s. 768.28.

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

26 ~~8.7.~~ Multicounty coalitions shall include
27 representation from each county.

28 ~~9.8.~~ The terms of all appointed members of the
29 coalition must be staggered. Appointed members may serve a
30 maximum of two terms. When a vacancy occurs in an appointed
31 position, the coalition must advertise the vacancy.

1 (b) Program participation.--The school readiness
2 program shall be established for children from birth to 5
3 years of age or until the child enters kindergarten. The
4 program may also include services for eligible school-age
5 children pursuant to s. 412.555.The program shall be
6 administered by the school readiness coalition. Within funding
7 limitations, the school readiness coalition, along with all
8 providers, shall make reasonable efforts to accommodate the
9 needs of children for extended-day and extended-year services
10 without compromising the quality of the program.

11 (c) Program expectations.--

12 1. The school readiness program must meet the
13 following expectations:

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

17 b. The program must provide extended-day and
18 extended-year services to the maximum extent possible to meet
19 the needs of parents who work.

20 c. There must be coordinated staff development and
21 teaching opportunities.

22 d. There must be expanded access to community services
23 and resources for families to help achieve economic
24 self-sufficiency.

25 e. There must be a single point of entry and unified
26 waiting list.

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

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

- 1 h. The program must meet all state licensing
2 guidelines, where applicable.
- 3 2. The school readiness coalition must implement a
4 comprehensive program of readiness services that enhance the
5 cognitive, social, and physical development of children to
6 achieve the performance standards and outcome measures
7 specified by the partnership. At a minimum, these programs
8 must contain the following elements:
- 9 a. Developmentally appropriate curriculum.
- 10 b. A character development program to develop basic
11 values.
- 12 c. An age-appropriate assessment of each child's
13 development.
- 14 d. A screening ~~pretest~~ administered to children when
15 they enter a program and an assessment ~~a posttest~~ administered
16 to children when they leave the program, pursuant to ss.
17 412.562 and 412.563.
- 18 e. An appropriate staff-to-child ratio.
- 19 f. A healthful and safe environment.
- 20 g. A resource and referral network to assist parents
21 in making an informed choice.
- 22 (d) Implementation.--
- 23 1. The school readiness program is to be phased in.
24 Until the coalition implements its plan, the county shall
25 continue to receive the services identified in subsection (3)
26 through the various agencies that would be responsible for
27 delivering those services under current law. Plan
28 implementation is subject to approval of the coalition and the
29 plan by the Florida Partnership for School Readiness.
- 30 2. Each school readiness coalition shall develop a
31 plan for implementing the school readiness program to meet the

1 requirements of this section and the performance standards and
2 outcome measures established by the partnership. The plan must
3 include a written description of the role of the program in
4 the coalition's effort to meet the first state education goal,
5 readiness to start school, including a description of the plan
6 to involve the prekindergarten early intervention programs,
7 Head Start Programs, programs offered by public or private
8 providers of child care, preschool programs for children with
9 disabilities, programs for migrant children, Title I programs,
10 subsidized child care programs, and teen parent programs. The
11 plan must also demonstrate how the program will ensure that
12 each 3-year-old and 4-year-old child in a publicly funded
13 school readiness program receives scheduled activities and
14 instruction designed to prepare children to enter kindergarten
15 ready to learn. Prior to implementation of the program, the
16 school readiness coalition must submit the plan to the
17 partnership for approval. The partnership may approve the
18 plan, reject the plan, or approve the plan with conditions.
19 The plan shall be reviewed, revised, and approved biennially.

20 3. The plan for the school readiness program must
21 include the following minimum standards and provisions:

22 a. A sliding fee scale establishing a copayment for
23 parents based upon their ability to pay, which is the same for
24 all program providers, to be implemented and reflected in each
25 program's budget.

26 b. A choice of settings and locations in licensed,
27 registered, religious-exempt, or school-based programs to be
28 provided to parents.

29 c. Instructional staff who have completed the training
30 course as required in s. 412.57(2)(d)1.~~402.305(2)(d)1.~~, as
31 well as staff who have additional training or credentials as

1 required by the respective program provider. The plan must
2 provide a method for assuring the qualifications of all
3 personnel in all program settings.

4 d. Specific eligibility priorities for children within
5 the coalition's county pursuant to subsection (6).

6 e. Performance standards and outcome measures
7 established by the partnership or alternatively, standards and
8 outcome measures to be used until such time as the partnership
9 adopts such standards and outcome measures.

10 f. Reimbursement rates that have been developed by the
11 coalition.

12 g. Systems support services, including a central
13 agency, child care resource and referral, eligibility
14 determinations, training of providers, and parent support and
15 involvement.

16 h. Direct enhancement services to families and
17 children. System support and direct enhancement services shall
18 be in addition to payments for the placement of children in
19 school readiness programs.

20 i. A business plan, which must include the contract
21 with a school readiness agent if the coalition is not a
22 legally established corporate entity. Coalitions may contract
23 with other coalitions to achieve efficiency in multiple-county
24 services, and such contracts may be part of the coalition's
25 business plan.

26 j. Strategies to meet the needs of unique populations,
27 such as migrant workers.

28

29 As part of the plan, the coalition may request the Governor to
30 apply for a waiver to allow the coalition to administer the
31 Head Start Program to accomplish the purposes of the school

1 readiness program. If any school readiness plan can
2 demonstrate that specific statutory goals can be achieved more
3 effectively by using procedures that require modification of
4 existing rules, policies, or procedures, a request for a
5 waiver to the partnership may be made as part of the plan.
6 Upon review, the partnership may grant the proposed
7 modification.

8 4. Persons with an early childhood teaching
9 certificate may provide support and supervision to other staff
10 in the school readiness program.

11 5. The coalition may not implement its plan until it
12 submits the plan to and receives approval from the
13 partnership. Once the plan has been approved, the plan and the
14 services provided under the plan shall be controlled by the
15 coalition rather than by the state agencies or departments.
16 The plan shall be reviewed and revised as necessary, but at
17 least biennially.

18 6. The following statutes will not apply to local
19 coalitions with approved plans: ss. 125.901(2)(a)3.,
20 228.061(1) and (2), 412.54 ~~230.2306~~, 411.221, 411.222, and
21 411.232. To facilitate innovative practices and to allow local
22 establishment of school readiness programs, a school readiness
23 coalition may apply to the Governor and Cabinet for a waiver
24 of, and the Governor and Cabinet may waive, any of the
25 provisions of ss. 412.52, 412.53 ~~230.2303~~, ~~230.2305~~,
26 230.23166, 412.555 ~~402.3015~~, 411.223, and 411.232, if the
27 waiver is necessary for implementation of the coalition's
28 school readiness plan.

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

31

1 8. A coalition may, subject to approval of the
2 partnership as part of the coalition's plan, receive
3 subsidized child care funds for all children eligible for any
4 federal subsidized child care program and be the provider of
5 the program services.

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

9 Section 5. Section 230.2303, Florida Statutes, is
10 renumbered as section 412.52, Florida Statutes, and
11 subsections (1), (2), (3), (5), (6), (7), (8), and (9) and
12 paragraphs (a), (f), (g), (h), and (i) of subsection (4) of
13 said section are amended to read:

14 412.52 ~~230.2303~~ Florida First Start Program.--

15 (1) LEGISLATIVE INTENT; PURPOSE.--The Legislature
16 recognizes that the years of a child's life between birth and
17 the third birthday are critical for fostering intellectual
18 ability, language competence, physical development, and social
19 skills. The Florida First Start Program is intended as a
20 home-school partnership designed to give children with
21 disabilities and children at risk of future school failure the
22 best possible start in life and to support parents in their
23 role as the children's first teachers. The purpose of the
24 program is to assist parents to achieve their own goals for
25 education and self-sufficiency and to teach parents how to
26 foster their child's development in the crucial early years of
27 life. The program must assist local school readiness
28 coalitions ~~school districts~~ in providing early, high-quality
29 parent education and support services that enable the parents
30 to enhance their children's intellectual, language, physical,
31 and social development, thus maximizing the children's overall

1 progress during the first 3 years of life, laying the
2 foundation for future school success, and minimizing the
3 development of disabilities and developmental problems which
4 interfere with learning.

5 (2) PROGRAM.--There is hereby created the Florida
6 First Start Program for children from birth to 3 years of age
7 and their parents. The program must be administered,
8 implemented, and conducted by local school readiness
9 coalitions ~~school districts~~ pursuant to the approved school
10 readiness plan ~~a plan developed and approved as provided in~~
11 ~~this section.~~

12 (3) PLAN.--Each local school readiness coalition ~~board~~
13 ~~may include the~~ ~~submit to the Commissioner of Education a plan~~
14 ~~for conducting a~~ Florida First Start Program in its school
15 readiness plan. ~~Each plan and subsequent amended plan shall~~
16 ~~be developed in cooperation with the district interagency~~
17 ~~coordinating council on early childhood services established~~
18 ~~pursuant to s. 230.2305 and the Interagency Prekindergarten~~
19 ~~Council for Children with Disabilities, and shall be approved~~
20 ~~by the commissioner.~~ If a local district school readiness
21 coalition's board's plan includes a Florida First Start
22 Program, it must be designed to serve children from birth to 3
23 years of age who are disabled or at risk of future school
24 failure and to serve their parents. For the purposes of this
25 section, the term "children with disabilities or at risk of
26 future school failure" includes any child who has one or more
27 of the characteristics described in s. 411.202(9).

28 (4) PLAN APPROVAL.--To be considered for approval,
29 each plan, or amendment to a plan, must be based on current
30 research findings regarding the growth and development of
31

1 infants and young children and must include the following
2 program components:

3 (a) The establishment of parent resource centers
4 located in the area served by the coalition ~~neighborhood~~
5 ~~schools~~. Parent resource centers may be established in
6 cooperation with and jointly funded through the community
7 education program established pursuant to s. 239.401.

8 (f) Assurances that each coalition ~~school~~ parent
9 resource center shall be staffed by a coordinator trained in
10 parent education and holding a bachelor's degree from an
11 accredited institution with a major in early childhood
12 education, child development, child psychology, home
13 economics, social work, or nursing.

14 (g) A method for training parent educators and for
15 recruiting parent educators from among the families in the
16 coalition's ~~school's~~ attendance zone. Training for parent
17 educators shall include, but not be limited to, child growth
18 and development, health, safety, nutrition, identifying and
19 reporting child abuse and neglect, developmentally appropriate
20 activities for young children, and avoidance of income-based,
21 race-based, and gender-based stereotyping.

22 (h) An inservice staff development component,
23 including arrangements for staff access to child development
24 associate certificate training or its equivalent and
25 coordination with local teacher education centers established
26 under s. 231.603, ~~and integration with district master~~
27 ~~inservice plans required under s. 236.0811~~.

28 (i) Coordination with other school readiness ~~district~~
29 ~~prekindergarten early intervention~~ programs and other programs
30 serving preschool children and their families.
31

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

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

24 (7) ANNUAL REPORT.--Each local district school
25 readiness coalition board that implements a program under this
26 section shall include information about the program in its,
27 ~~with the assistance of the district interagency coordinating~~
28 ~~council on early childhood services, submit an annual report~~
29 ~~of its program~~ to the Florida Partnership for School Readiness
30 commissioner. The report must describe the overall program
31 operations, activities of the district interagency

1 coordinating council, expenditures, the number of children
2 served, staff training and qualifications, and evaluation
3 findings.

4 ~~(8) COORDINATION.~~

5 ~~(a) The Florida First Start Program shall be included~~
6 ~~under the jurisdiction of the State Coordinating Council for~~
7 ~~School Readiness Programs established pursuant to s. 411.222.~~
8 ~~The council shall make recommendations for effective~~
9 ~~implementation of the program and shall advise the Department~~
10 ~~of Education on needed legislation, rules, and technical~~
11 ~~assistance to ensure the continued implementation of an~~
12 ~~effective program.~~

13 ~~(b) Each school district shall develop, implement, and~~
14 ~~evaluate its program in cooperation with the district~~
15 ~~interagency coordinating council established under s.~~
16 ~~230.2305.~~

17 (8)~~(9)~~ FUNDING.--Funding for the Florida First Start
18 Program must be determined annually in the General
19 Appropriations Act.

20 Section 6. Section 230.2305, Florida Statutes, is
21 renumbered as section 412.53, Florida Statutes, and amended to
22 read:

23 412.53 ~~230.2305~~ Prekindergarten early intervention
24 program.--

25 (1) LEGISLATIVE INTENT; PURPOSE.--The Legislature
26 recognizes that high-quality prekindergarten education
27 programs increase children's chances of achieving future
28 educational success and becoming productive members of
29 society. It is the intent of the Legislature that such
30 programs be developmental, serve as preventive measures for
31 children at risk of future school failure, enhance the

1 educational readiness of all children, and support family
2 education and the involvement of parents in their child's
3 educational progress. Each prekindergarten early intervention
4 program shall provide the elements necessary to prepare
5 children for school, including health screening and referral
6 and a developmentally appropriate educational program and
7 opportunities for parental involvement in the program. It is
8 the legislative intent that the prekindergarten early
9 intervention program not exist as an isolated program, but
10 build upon existing services and work in cooperation with
11 other programs for young children. It is intended that
12 procedures such as, but not limited to, contracting,
13 collocation, mainstreaming, and cooperative funding be used to
14 coordinate the program with local school readiness coalitions,
15 Head Start, public and private providers of child care,
16 preschool programs for children with disabilities, programs
17 for migrant children, Chapter I, subsidized child care, adult
18 literacy programs, and other services. ~~It is further the~~
19 ~~intent of the Legislature that the Commissioner of Education~~
20 ~~seek the advice of the Secretary of Children and Family~~
21 ~~Services in the development and implementation of the~~
22 ~~prekindergarten early intervention program and the~~
23 ~~coordination of services to young children.~~ The purpose of
24 the prekindergarten early intervention program is to assist
25 local communities in implementing programs that will enable
26 all the families and children in the coalition service area
27 ~~school district~~ to be prepared for the children's success in
28 school.

29 (2) ELIGIBILITY.--There is hereby created the
30 prekindergarten early intervention program for children who
31 are 3 and 4 years of age. A prekindergarten early

1 ~~intervention program shall be administered by a district~~
2 ~~school board and shall receive state funds pursuant to~~
3 ~~subsection (6). Each public school district shall make~~
4 ~~reasonable efforts to accommodate the needs of children for~~
5 ~~extended day and extended year services without compromising~~
6 ~~the quality of the 6-hour, 180-day program. The school~~
7 ~~district shall report on such efforts. School district~~
8 ~~participation in the prekindergarten early intervention~~
9 ~~program shall be at the discretion of each school district.~~
10 (a) At least 75 percent of the children projected to
11 be served ~~by the district program~~ shall be economically
12 disadvantaged 4-year-old children of working parents,
13 including migrant children or children whose parents
14 participate in the welfare transition program. Other children
15 projected to be served ~~by the district program~~ may include any
16 of the following up to a maximum of 25 percent of the total
17 number of children served:
18 1. Three-year-old and four-year-old children ~~who are~~
19 ~~referred to the school system who may not be economically~~
20 ~~disadvantaged but who are abused, prenatally exposed to~~
21 ~~alcohol or harmful drugs, or from foster homes, or who are~~
22 ~~marginal in terms of Exceptional Student Education placement,~~
23 but who are not necessarily economically disadvantaged.
24 2. Three-year-old ~~children~~ and four-year-old children
25 ~~who may not be economically disadvantaged but who are eligible~~
26 ~~students with disabilities and served in an exceptional~~
27 ~~student education program with required special services,~~
28 ~~aids, or equipment, but who are not necessarily economically~~
29 disadvantaged and who are reported for partial funding in the
30 ~~K-12 Florida Education Finance Program. These students may be~~
31 ~~funded from prekindergarten early intervention program funds~~

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

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

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

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

31

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

5 (b) An "economically disadvantaged" child shall be
6 defined as a child eligible to participate in the free lunch
7 program. Notwithstanding any change in a family's economic
8 status or in the federal eligibility requirements for free
9 lunch, a child who meets the eligibility requirements upon
10 initial registration for the program shall be considered
11 eligible until the child reaches kindergarten age. ~~In order
12 to assist the school district in establishing the priority in
13 which children shall be served, and to increase the efficiency
14 in the provision of child care services in each district, the
15 district shall enter into a written collaborative agreement
16 with other publicly funded early education and child care
17 programs within the district. Such agreement shall be
18 facilitated by the interagency coordinating council and shall
19 set forth, among other provisions, the measures to be
20 undertaken to ensure the programs' achievement and compliance
21 with the performance standards established in subsection (3)
22 and for maximizing the public resources available to each
23 program. In addition, the central agency for state-subsidized
24 child care or the local service district of the Department of
25 Children and Family Services shall provide the school district
26 with an updated list of 3-year-old and 4-year-old children
27 residing in the school district who are on the waiting list
28 for state-subsidized child care.~~

29 (3) STANDARDS.--

30 (a) Publicly supported preschool programs, including
31 prekindergarten early intervention, subsidized child care,

1 teen parent programs, Head Start, migrant programs, and
2 Chapter I programs shall employ a simplified point of entry to
3 the child care services system in every community. These
4 programs shall share the waiting lists for unserved children
5 in the community so that a count of eligible children is
6 maintained without duplications.

7 (b) The Florida Partnership for School Readiness, in
8 cooperation with the Department of Education and the
9 Department of Children and Family Services and, in
10 consultation with the Legislature, shall develop a minimum set
11 of performance standards for publicly funded early education
12 and child care programs and a method for measuring the
13 progress of local school districts and central agencies in
14 meeting a desired set of outcomes based on these performance
15 measures. The defined outcomes must be consistent with the
16 state's first education goal, readiness to start school, and
17 must also consider efficiency measures such as the employment
18 of a simplified point of entry to the child care services
19 system, coordinated staff development programs, and other
20 efforts within the state to increase the opportunity for
21 welfare recipients to become self-sufficient. Performance
22 standards shall be developed for all levels of administration
23 of the programs, including individual programs and providers,
24 and must incorporate appropriate expectations for the type of
25 program and the setting in which care is provided.

26 (c) The program curriculum must be developmentally
27 appropriate according to current nationally recognized
28 recommendations for high-quality prekindergarten programs.

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

31

1 (e) The ratio of direct instructional staff to
2 children must be 1 adult to 10 children, or a lower ratio.
3 Upon written request from a local school readiness coalition
4 ~~district~~, the Florida Partnership for School Readiness
5 ~~commissioner~~ may grant permission for a ratio of up to 1 adult
6 to 15 children for individual schools or centers for which a
7 1-to-10 ratio is ~~would not be~~ feasible.

8 (f) All staff must meet the following minimum
9 requirements:

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

21 2. When individual programs ~~classrooms~~ are staffed by
22 certified teachers, those teachers must be certified for the
23 appropriate grade levels under s. 231.17 and State Board of
24 Education rules. Teachers who are not certified for the
25 appropriate grade levels must obtain proper certification
26 within 2 years. However, the commissioner may make an
27 exception on an individual basis when the requirements are not
28 met because of serious illness, injury, or other
29 extraordinary, extenuating circumstance.

30 3. When individual programs ~~classrooms~~ are staffed by
31 noncertified teachers, there must be a program director or

1 lead teacher who is eligible for certification or certified
2 for the appropriate grade levels pursuant to s. 231.17 and
3 State Board of Education rules in regularly scheduled direct
4 contact with each classroom. Notwithstanding s. 231.15, such
5 classrooms must be staffed by at least one person who has, at
6 a minimum, a child development associate credential (CDA) or
7 an amount of training determined by the commissioner to be
8 equivalent to or to exceed the minimum, such as an associate
9 in science degree in the area of early childhood education.

10 4. ~~Principals and other school district~~ Administrative
11 and supervisory personnel with direct responsibility for the
12 program must demonstrate knowledge of prekindergarten
13 education programs that increase children's chances of
14 achieving future educational success and becoming productive
15 members of society in a manner established by the State Board
16 of Education by rule.

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

19 (g) Student participation must be contingent upon
20 parental involvement. The parental involvement activities
21 integral to the program must include program site-based
22 parental activities designed to fully involve parents in the
23 program and may include parenting education, home visitation
24 ~~visitor~~ activities, family support services coordination, and
25 other activities.

26 (h) Services are to be provided during a school day
27 and school year equal to or exceeding the requirements for
28 kindergarten under ss. 228.041 and 236.013. Strategies to
29 provide care before school, after school, and 12 months a
30 year, when needed, must be developed by the local school
31 coalition ~~district in cooperation with the central agency for~~

1 ~~state-subsidized child care or the local service district of~~
2 ~~the Department of Children and Family Services and the~~
3 ~~district interagency coordinating council. Programs may be~~
4 ~~provided on Saturdays and through other innovative scheduling~~
5 ~~arrangements.~~

6 ~~(i) The school district must make efforts to meet the~~
7 ~~first state education goal, readiness to start school,~~
8 ~~including the involvement of nonpublic schools, public and~~
9 ~~private providers of day care and early education, and other~~
10 ~~community agencies that provide services to young children.~~
11 ~~This may include private child care programs, subsidized child~~
12 ~~care programs, and Head Start programs. A written description~~
13 ~~of these efforts must be provided to the district interagency~~
14 ~~coordinating council on early childhood services.~~

15 ~~(i)(j)~~ Parents must be provided an option regarding a
16 child's participation at a school-based site or among
17 contracted sites, when such an option is appropriate and
18 within the coalition service area ~~school district~~. The local
19 school readiness coalition ~~district~~ may consider availability
20 of sites, transportation, staffing ratios, costs, and other
21 factors in determining the assignment and setting coalition
22 district guidelines. Parents may request and be assigned a
23 site other than one first assigned by the coalition ~~district~~,
24 provided the parents pay the cost of transporting the child to
25 the site of the parents' choice.

26 ~~(j)(k)~~ The local school readiness coalition or its
27 designee ~~district~~ must ~~coordinate with the central agency for~~
28 ~~state-subsidized child care or the local service district of~~
29 ~~the Department of Children and Family Services to~~ verify
30 family participation in the welfare transition program, thus
31 ensuring accurate reporting and full utilization of federal

1 funds available through the Family Support Act, ~~and for the~~
2 ~~agency's or service district's sharing of the waiting list for~~
3 ~~state-subsidized child care under paragraph (a).~~

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

8 (a) The children's achievement as measured by
9 assessments upon entry into the program and upon completion of
10 the program; and

11 (b) The children's readiness for kindergarten as
12 measured by the instrument the district uses to assess the
13 school readiness of all children entering kindergarten. The
14 results of this evaluation must be maintained by the Florida
15 Partnership for School Readiness ~~school district~~ and made
16 available to the public upon request.

17 (5) ANNUAL REPORT.--Each local school readiness
18 coalition that implements a prekindergarten early intervention
19 program under this section shall submit an annual report of
20 its program to the Florida Partnership for School Readiness
21 ~~district interagency coordinating council on early childhood~~
22 ~~services~~. The report must describe the overall program
23 operations; ~~activities of the district interagency~~
24 ~~coordinating council on early childhood services;~~
25 expenditures; the number of students served; ratio of staff to
26 children; staff qualifications; evaluation findings, including
27 identification of program components that were most
28 successful; and other information required by the partnership
29 ~~council or the state advisory council~~.

30 (6) FUNDING.--
31

1 (a) This section shall be implemented only to the
2 extent that funding is available. State funds appropriated
3 for the prekindergarten early intervention program may not be
4 used for the construction of new facilities, the
5 transportation of students, or the purchase of buses, but may
6 be used for educational field trips which enhance the
7 curriculum.

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

16 2. No more than 30 percent of the funds allocated to
17 each school readiness coalition under this section may be used
18 to enhance existing public and nonpublic programs for eligible
19 children, to provide before-school and after-school care for
20 children served under this section, to remodel or renovate
21 existing facilities under chapter 235, to lease or
22 lease-purchase facilities, to purchase classroom equipment to
23 allow the implementation of the prekindergarten early
24 intervention program, and to provide training for program
25 teachers and administrative personnel.

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

29 (b) A minimum grant for each school readiness
30 coalition is to be determined annually by the Florida
31 Partnership for School Readiness. The funds remaining after

1 allocating the minimum grants must be prorated based on an
2 allocation factor for each coalition and must be added to each
3 coalition's minimum grant. The allocation factor is to be
4 calculated as follows:

5
6 Coalition percentage School district
7 of state 3-year-old x 1/4 +percentage x 3/4
8 and 4-year-old of state total free
9 children lunches served

10

11 The calculation of each coalition's allocation factor is to be
12 based upon the official estimate of the total number of
13 3-year-old and 4-year-old children by the school district or
14 districts in the coalition's service area and the official
15 record of the Department of Education for K-12 student total
16 free lunches served by the school district for the prior
17 fiscal year. ~~For the fiscal year beginning July 1, 2000,~~
18 ~~nothing in this section shall be construed to limit the~~
19 ~~Department of Education's authority to distribute funds under~~
20 ~~this program to local school districts if the local school~~
21 ~~district is authorized by the local school readiness coalition~~
22 ~~plan to be the provider.~~

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

24 ~~(a) To be eligible for a prekindergarten early~~
25 ~~intervention program, each school district must develop,~~
26 ~~implement, and evaluate its prekindergarten program in~~
27 ~~cooperation with a district interagency coordinating council~~
28 ~~on early childhood services.~~

29 ~~(b) Each district coordinating council must consist of~~
30 ~~at least 12 members to be appointed by the district school~~
31 ~~board, the county commission for the county in which~~

1 ~~participating schools are located, and the Department of~~
2 ~~Children and Family Services' district administrator and must~~
3 ~~include at least the following:~~
4 ~~1. One member who is a parent of a child enrolled in,~~
5 ~~or intending to enroll in, the public school prekindergarten~~
6 ~~program, appointed by the school board.~~
7 ~~2. One member who is a director or designated director~~
8 ~~of a prekindergarten program in the district, appointed by the~~
9 ~~school board.~~
10 ~~3. One member who is a member of a district school~~
11 ~~board, appointed by the school board.~~
12 ~~4. One member who is a representative of an agency~~
13 ~~servicing children with disabilities, appointed by the~~
14 ~~Department of Children and Family Services' district~~
15 ~~administrator.~~
16 ~~5. Four members who are representatives of~~
17 ~~organizations providing prekindergarten educational services,~~
18 ~~one of whom is a representative of a Head Start Program,~~
19 ~~appointed by the Department of Children and Family Services'~~
20 ~~district administrator; one of whom is a representative of a~~
21 ~~Title XX subsidized child day care program, if such programs~~
22 ~~exist within the county, appointed by the Department of~~
23 ~~Children and Family Services' district administrator; and two~~
24 ~~of whom are private providers of preschool care and education~~
25 ~~to 3-year-old and 4-year-old children, one appointed by the~~
26 ~~county commission and one appointed by the Department of~~
27 ~~Children and Family Services' district administrator. If there~~
28 ~~is no Head Start Program or Title XX program operating within~~
29 ~~the county, these two members must represent community~~
30 ~~interests in prekindergarten education.~~
31

1 ~~6. Two members who are representatives of agencies~~
2 ~~responsible for providing social, medical, dental, adult~~
3 ~~literacy, or transportation services, one of whom represents~~
4 ~~the county health department, both appointed by the county~~
5 ~~commission.~~

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

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

11 ~~(c) Each district interagency coordinating council~~
12 ~~shall:~~

13 ~~1. Assist district school boards in developing a plan~~
14 ~~or an amended plan to implement a prekindergarten early~~
15 ~~intervention program. The plan and all amendments must be~~
16 ~~signed by the council chair, the chair of the district school~~
17 ~~board, and the district school superintendent.~~

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

20 Section 7. Section 230.2306, Florida Statutes, is
21 renumbered as section 412.54, Florida Statutes, and amended to
22 read:

23 412.54 ~~230.2306~~ Prekindergarten children service needs
24 assessments; reports; reasonable efforts by local school
25 readiness coalition ~~district~~.--

26 (1) In each coalition service area ~~county~~, the local
27 school readiness coalition ~~district school board~~, the ~~central~~
28 ~~child care agency~~, the ~~Head Start program~~, and a ~~private~~
29 ~~provider of preschool services~~, in cooperation with the
30 ~~district interagency coordinating council established under s.~~
31 ~~230.2305~~, shall:

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

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

9 (2) Each local school readiness coalition ~~public~~
10 ~~school district~~ shall make reasonable efforts to accommodate
11 the needs of children for extended day and extended year
12 services without compromising the quality of the 6-hour,
13 180-day program. ~~The school district shall report on such~~
14 ~~efforts in the report submitted under this section.~~

15 Section 8. Paragraph (f) of subsection (4) of section
16 240.529, Florida Statutes, is amended to read:

17 240.529 Public accountability and state approval for
18 teacher preparation programs.--

19 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
20 subsection (3), failure by a public or nonpublic teacher
21 preparation program to meet the criteria for continued program
22 approval shall result in loss of program approval. The
23 Department of Education, in collaboration with the departments
24 and colleges of education, shall develop procedures for
25 continued program approval which document the continuous
26 improvement of program processes and graduates' performance.

27 (f)1. ~~Beginning with the 2000-2001 academic year,~~ Each
28 Florida public and private institution that offers a
29 state-approved teacher preparation program must annually
30 report information regarding these programs to the state and
31 the general public. This information shall be reported in a

1 uniform and comprehensible manner that conforms with
2 definitions and methods proposed by the Education Standards
3 Commission, that is consistent with definitions and methods
4 approved by the Commissioner of the National Center for
5 Educational Statistics, and that is approved by the State
6 Board of Education. Beginning with the 2001-2002 academic
7 year, this information must include, at a minimum:
8 a. The percent of graduates obtaining full-time
9 teaching employment within the first year of graduation.
10 b. The average length of stay of graduates in their
11 full-time teaching positions.
12 c. Satisfaction ratings required in paragraph (e).
13 2. Beginning with the 2001-2002 academic year, each
14 public and private institution offering training for school
15 readiness-related professions, including training in the
16 fields of child care and early childhood education, whether
17 offering vocational credit, associate in science degree
18 programs, or associate in arts degree programs, shall annually
19 report information regarding these programs to the state and
20 the general public in a uniform and comprehensible manner that
21 conforms with definitions and methods proposed by the
22 Education Standards Commission. This information must include,
23 at a minimum:
24 a. Average length of stay of graduates in their
25 positions.
26 b. Satisfaction ratings of graduates' employers.
27
28 This information shall be reported through publications,
29 including college and university catalogs and promotional
30 materials sent to potential applicants, secondary school
31 guidance counselors, local school readiness coalitions, the

1 Florida Partnership for School Readiness, and prospective
2 employers of the institution's program graduates.

3 Section 9. Section 402.25, Florida Statutes, is
4 renumbered as section 412.55, Florida Statutes.

5 Section 10. Section 402.27, Florida Statutes, is
6 renumbered as section 412.551, Florida Statutes, and amended
7 to read:

8 412.551 ~~402.27~~ Child care and early childhood resource
9 and referral.--The Florida Partnership for School Readiness
10 ~~Department of Children and Family Services~~ shall establish a
11 statewide child care resource and referral network. Local
12 school readiness coalitions shall select the local child care
13 resource and referral provider to meet network data
14 requirements by July 1, 2002. ~~Preference shall be given to~~
15 ~~using the already established central agencies for subsidized~~
16 ~~child care as the child care resource and referral agency. If~~
17 ~~the agency cannot comply with the requirements to offer the~~
18 ~~resource information component or does not want to offer that~~
19 ~~service, the Department of Children and Family Services shall~~
20 ~~select the resource information agency based upon a request~~
21 ~~for proposal. At least one Child care resource and referral~~
22 service agencies agency must be established by in each local
23 school readiness coalition district of the department, but no
24 more than one may be established in any coalition service area
25 county. Child care resource and referral service agencies
26 shall provide the following services:

27 (1) Identification of existing public and private
28 child care and early childhood education services, including
29 child care services by public and private employers, and the
30 development of a resource file of those services. These
31 services may include family day care, public and private child

1 care programs, head start, prekindergarten early intervention
2 programs, special education programs for prekindergarten
3 handicapped children, services for children with developmental
4 disabilities, full-time and part-time programs, before-school
5 and after-school programs, vacation care programs, parent
6 education, the welfare transition ~~WAGES~~ program, and related
7 family support services. The resource file shall include, but
8 not be limited to:

- 9 (a) Type of program.
- 10 (b) Hours of service.
- 11 (c) Ages of children served.
- 12 (d) Number of children served.
- 13 (e) Significant program information.
- 14 (f) Fees and eligibility for services.
- 15 (g) Availability of transportation.
- 16 (2) The establishment of a referral process which
17 responds to parental need for information and which is
18 provided with full recognition of the confidentiality rights
19 of parents. Resource and referral programs shall make
20 referrals to licensed child care facilities. Referrals shall
21 be made to an unlicensed child care facility or arrangement
22 only if there is no requirement that the facility or
23 arrangement be licensed.
- 24 (3) Maintenance of ongoing documentation of requests
25 for service tabulated through the internal referral process.
26 The following documentation of requests for service shall be
27 maintained by all child care resource and referral agencies:
 - 28 (a) Number of calls and contacts to the child care
29 information and referral agency component by type of service
30 requested.
 - 31 (b) Ages of children for whom service was requested.

- 1 (c) Time category of child care requests for each
2 child.
- 3 (d) Special time category, such as nights, weekends,
4 and swing shift.
- 5 (e) Reason that the child care is needed.
- 6 (f) Name of the employer and primary focus of the
7 business.
- 8 (4) Provision of technical assistance to existing and
9 potential providers of child care services. This assistance
10 may include:
- 11 (a) Information on initiating new child care services,
12 zoning, and program and budget development and assistance in
13 finding such information from other sources.
- 14 (b) Information and resources which help existing
15 child care services providers to maximize their ability to
16 serve children and parents in their community.
- 17 (c) Information and incentives which could help
18 existing or planned child care services offered by public or
19 private employers seeking to maximize their ability to serve
20 the children of their working parent employees in their
21 community, through contractual or other funding arrangements
22 with businesses.
- 23 (5) Assistance to families and employers in applying
24 for various sources of subsidy including, but not limited to,
25 subsidized child care, head start, prekindergarten early
26 intervention programs, temporary assistance for needy families
27 ~~Project Independence~~, private scholarships, and the federal
28 dependent care tax credit.
- 29 (6) Assistance to state agencies in determining the
30 market rate for child care.
- 31

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

3 (8) Information and assistance regarding ~~to local~~
4 ~~interagency councils coordinating~~ services for prekindergarten
5 handicapped children.

6 (9) Assistance to families in identifying summer
7 recreation camp and summer day camp programs and in evaluating
8 the health and safety qualities of summer recreation camp and
9 summer day camp programs and in evaluating the health and
10 safety qualities of summer camp programs. Contingent upon
11 specific appropriation, a checklist of important health and
12 safety qualities that parents can use to choose their summer
13 camp programs shall be developed and distributed in a manner
14 that will reach parents interested in such programs for their
15 children.

16 (10) A child care facility licensed under s. 412.57
17 ~~402.305~~ and licensed and registered family day care homes must
18 provide the statewide child care and resource and referral
19 agencies with the following information annually:

- 20 (a) Type of program.
21 (b) Hours of service.
22 (c) Ages of children served.
23 (d) Fees and eligibility for services.

24 Section 11. Section 402.28, Florida Statutes, is
25 repealed.

26 Section 12. Section 402.281, Florida Statutes, is
27 renumbered as section 412.553, Florida Statutes, and
28 subsections (1) and (3) of said section are amended to read:

29 412.553 ~~402.281~~ Gold Seal Quality Care program.--

30 (1) ~~As part of the Gold Seal Quality Care program,~~The
31 Florida Partnership for School Readiness ~~department~~ shall

1 develop a ~~three-tiered~~ quality rating system for school
2 readiness programs. A Gold Seal Quality Care designation shall
3 be subsidized child care providers, with the highest quality
4 rating given to qualified child care providers ~~who receive the~~
5 ~~Gold Seal Quality Care designation~~ pursuant to this section.

6 (3) In developing the Gold Seal Quality Care program
7 standards, the partnership ~~department~~ shall consult with the
8 Department of Education, the Florida Head Start Directors
9 Association, the Florida Association of Child Care Management,
10 the Florida Family Day Care Association, the Florida
11 Children's Forum, ~~the State Coordinating Council for School~~
12 ~~Readiness Programs~~, the Early Childhood Association of
13 Florida, the National Association for Child Development
14 Education, providers receiving exemptions under s. 412.68
15 ~~402.316~~, and parents, for the purpose of approving the
16 accrediting associations.

17 Section 13. Section 402.301, Florida Statutes, is
18 renumbered as section 412.554, Florida Statutes, and
19 subsections (1), (5), and (7) of said section are amended to
20 read:

21 412.554 ~~402.301~~ Child care facilities; legislative
22 intent and declaration of purpose and policy.--It is the
23 legislative intent to protect the health, safety, and
24 well-being of the children of the state and to promote their
25 emotional and intellectual development and care. Toward that
26 end:

27 (1) It is the purpose of ss. 412.554-412.70
28 ~~402.301-402.319~~ to establish statewide minimum standards for
29 the care and protection of children in child care facilities,
30 to ensure maintenance of these standards, and to approve

31

1 county administration and enforcement to regulate conditions
2 in such facilities through a program of licensing.

3 (5) It is the further legislative intent that the
4 freedom of religion of all citizens shall be inviolate.
5 Nothing in ss. 412.554-412.70 ~~402.301-402.319~~ shall give any
6 governmental agency jurisdiction or authority to regulate,
7 supervise, or in any way be involved in any Sunday School,
8 Sabbath School, or religious services or any nursery service
9 or other program conducted during religious or church services
10 primarily for the convenience of those attending such
11 services.

12 (7) It shall be the policy of the state to encourage
13 child care providers to serve children with disabilities.
14 When requested, the Florida Partnership for School Readiness
15 and local school readiness coalitions ~~department~~ shall provide
16 technical assistance to parents and child care providers in
17 order to facilitate serving children with disabilities.

18 Section 14. Section 402.3015, Florida Statutes, is
19 renumbered as section 412.555, Florida Statutes, and amended
20 to read:

21 412.555 ~~402.3015~~ Subsidized child care program;
22 purpose; fees; contracts.--

23 (1) The purpose of the subsidized child care program
24 is to provide quality child care to enhance the development,
25 including language, cognitive, motor, social, and self-help
26 skills of children who are at risk of abuse or neglect and
27 children of low-income families, and to promote financial
28 self-sufficiency and life skills for the families of these
29 children, unless prohibited by federal law. Priority for
30 participation in the subsidized child care program shall be
31 accorded to children under 13 years of age who are:

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

5 (b) Children at risk of welfare dependency, including
6 children of participants in the welfare transition program,
7 children of migrant farmworkers, children of teen parents, and
8 children from other families at risk of welfare dependency ~~due~~
9 ~~to a family income of less than 100 percent of the federal~~
10 ~~poverty level~~;

11 (c) Children of working families whose family income
12 is equal to or greater than 100 percent, but does not exceed
13 150 percent, of the federal poverty level. The Florida
14 Partnership for School Readiness ~~department~~ may extend
15 eligibility to children of working families who are currently
16 in subsidized child care and whose family income does not
17 exceed 200 percent of the federal poverty level;

18 (d) Children of working families enrolled in the Child
19 Care Executive Partnership Program whose family income does
20 not exceed 200 percent of the federal poverty level; and

21 (e) Children of working families who participate in
22 the diversion program to strengthen Florida's families under
23 s. 445.018.

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

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

31

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

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

10 (4)(6)(a) Child care services, unless directly
11 operated by a community child care coordinating agency, shall
12 be provided under a service agreement or by voucher, which
13 ensures, to the maximum extent possible, parental choice
14 through flexibility in child care arrangements and payment
15 arrangements. When used, a voucher must bear the name of the
16 beneficiary and the child care provider and, when redeemed,
17 must bear the signature of both the beneficiary and an
18 authorized representative of the child care provider. If it is
19 determined that a child care provider has provided any cash to
20 the beneficiary in return for receiving the voucher, the
21 license for each child care facility operated by the provider
22 shall be immediately revoked and any facility operated by the
23 provider is ineligible for relicensure for 3 years. Whether or
24 not the provider is licensed, the Agency for Workforce
25 Innovation ~~department~~ shall refer the matter to the Department
26 of Law Enforcement for investigation.

27 (b) Local school readiness coalitions or their
28 designees ~~The community child care coordinating agency~~ shall
29 monitor child care providers to ensure that appropriate
30 services are provided.

31

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

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

9 (e) The Division of Risk Management of the Department
10 of Insurance shall provide coverage through the Agency for
11 Workforce Innovation ~~department~~ to coalitions and the
12 community child care coordinating agencies for the subsidized
13 child care program. The coverage shall be provided from the
14 general liability account of the State Risk Management Trust
15 Fund, and the coverage shall be primary. The coverage is
16 limited to general liability claims arising from the
17 management of the subsidized child care program under a
18 contract with the agency ~~department~~ and under guidelines
19 established through policy, rule, or law. Coverage shall be
20 limited as provided in ss. 284.38 and 284.385, and the
21 exclusions set forth therein, together with other exclusions
22 that are set forth in the certificate of coverage issued by
23 the trust fund, shall apply. A local school readiness
24 coalition or its designee ~~community child care coordinating~~
25 ~~agency~~ covered under the general liability account pursuant to
26 this paragraph shall immediately notify the Division of Risk
27 Management of the Department of Insurance of any potential or
28 actual claim.

29 ~~(5)(7)~~ To the extent funds are available, local school
30 readiness coalitions with approved plans ~~the department~~ shall
31 contract for support services for children ~~who are clients of~~

1 ~~the department's Child Care Services Program Office and who~~
2 participate in the subsidized child care program. Support
3 services shall include, but need not be limited to,
4 transportation, child development programs, child nutrition
5 services, and parent training and family counseling
6 activities.

7 ~~(6)~~(8) The local school readiness coalitions ~~community~~
8 ~~child care coordinating agencies~~ shall assist participants in
9 the welfare transition program and former participants of the
10 program who are eligible for subsidized child care in
11 developing cooperative child care arrangements whereby
12 participants support and assist one another in meeting child
13 care needs at minimal cost to the individual participant.

14 ~~(9)~~ ~~The central agency for state subsidized child care~~
15 ~~or the local service district of the Department of Children~~
16 ~~and Family Services shall cooperate with the local interagency~~
17 ~~coordinating council as defined in s. 230.2305 in the~~
18 ~~development of written collaborative agreements with each~~
19 ~~local school district.~~

20 ~~(a)~~ ~~The central agency shall develop in consultation~~
21 ~~with the local interagency council a plan for implementing and~~
22 ~~conducting a child care program. Such plan shall include the~~
23 ~~tentative budget and measures for maximizing public resources.~~

24 ~~(b)~~ ~~The department shall monitor each subsidized child~~
25 ~~care provider at least annually to determine compliance with~~
26 ~~the collaborative agreement facilitated by the local~~
27 ~~interagency coordinating council. If a provider fails to~~
28 ~~bring its program into compliance with the agreement or the~~
29 ~~plan within 3 months after an evaluation citing deficiencies,~~
30 ~~the department must withhold such administrative funds as have~~
31

1 ~~been allocated to the program and which have not yet been~~
2 ~~released.~~

3 (7)~~(10)~~ A family that is eligible to participate in
4 the subsidized child care program shall be considered a needy
5 family for purposes of the program funded through the federal
6 Temporary Assistance for Needy Families (TANF) block grant, to
7 the extent permitted by the appropriation of funds.

8 (8)~~(11)~~ The individual records of children enrolled in
9 subsidized child-care programs are confidential and are exempt
10 from the provisions of s. 119.07 and s. 24(a), Art. I of the
11 State Constitution. For the purposes of this subsection,
12 records include assessment data, health data, records of
13 teacher observations, and identifying data, including the
14 child's social security number. A parent, guardian, or
15 individual acting as a parent in the absence of a parent or
16 guardian, has the right to inspect and review the individual
17 subsidized child-care record of his or her child and to obtain
18 a copy of the record. The school readiness coalition and the
19 Florida Partnership for School Readiness shall have access to
20 individual children's records necessary to carry out their
21 assigned duties under ss. 216.136 and 412.51 ~~411.01~~. This
22 exemption is subject to the Open Government Sunset Review Act
23 of 1995 in accordance with s. 119.15 and shall stand repealed
24 on October 2, 2005, unless reviewed and saved from repeal
25 through reenactment by the Legislature.

26 Section 15. Section 402.3016, Florida Statutes, is
27 renumbered as section 412.556, Florida Statutes.

28 Section 16. Section 402.3017, Florida Statutes, is
29 renumbered as section 412.557, Florida Statutes, and
30 subsections (2) and (3) of said section are amended to read:
31

1 412.557 ~~402.3017~~ Teacher Education and Compensation
2 Helps (TEACH) scholarship program.--

3 (2) The Florida Partnership for School Readiness
4 ~~Department of Children and Family Services~~ is authorized to
5 contract for the administration of the Teacher Education and
6 Compensation Helps (TEACH) scholarship program, which provides
7 educational scholarships to caregivers and administrators of
8 early childhood programs, family day care homes, and large
9 family child care homes.

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

12 Section 17. Section 402.3018, Florida Statutes, is
13 renumbered as section 412.558, Florida Statutes, and
14 subsections (1), (3), and (4) of said section are amended to
15 read:

16 412.558 ~~402.3018~~ Consultation to child care centers
17 and family day care homes regarding health, developmental,
18 disability, and special needs issues.--

19 (1) Contingent upon specific appropriations, the
20 Florida Partnership for School Readiness, through the Agency
21 for Workforce Innovation,~~department~~ is directed to contract
22 with the statewide resource information and referral agency
23 for a statewide toll-free Warm-Line for the purpose of
24 providing assistance and consultation to child care centers
25 and family day care homes regarding health, developmental,
26 disability, and special needs issues of the children they are
27 serving, particularly children with disabilities and other
28 special needs.

29 (3) The partnership department shall inform child care
30 centers and family day care homes of the availability of this
31 service, on an annual basis.

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

6 Section 18. Section 402.302, Florida Statutes, is
7 renumbered as section 412.56, Florida Statutes, and amended to
8 read:

9 412.56 402.302 Definitions.--As used in this chapter,
10 the term:

11 (1) "Agency" means the Agency for Workforce
12 Innovation.

13 (2)~~(1)~~ "Child care" means the care, protection, and
14 supervision of a child, for a period of less than 24 hours a
15 day on a regular basis, which supplements parental care,
16 enrichment, and health supervision for the child, in
17 accordance with his or her individual needs, and for which a
18 payment, fee, or grant is made for care.

19 (3)~~(2)~~ "Child care facility" includes any child care
20 center or child care arrangement which provides child care for
21 more than five children unrelated to the operator and which
22 receives a payment, fee, or grant for any of the children
23 receiving care, wherever operated, and whether or not operated
24 for profit. The following are not included:

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

27 (b) Summer camps having children in full-time
28 residence;

29 (c) Summer day camps;

30 (d) Bible schools normally conducted during vacation
31 periods; and

1 (e) Operators of transient establishments, as defined
2 in chapter 509, which provide child care services solely for
3 the guests of their establishment or resort, provided that all
4 child care personnel of the establishment are screened
5 according to the level 2 screening requirements of chapter
6 435.

7 (4)~~(3)~~ "Child care personnel" means all owners,
8 operators, employees, and volunteers working in a child care
9 facility. The term does not include persons who work in a
10 child care facility after hours when children are not present
11 or parents of children in Head Start. For purposes of
12 screening, the term includes any member, over the age of 12
13 years, of a child care facility operator's family, or person,
14 over the age of 12 years, residing with a child care facility
15 operator if the child care facility is located in or adjacent
16 to the home of the operator or if the family member of, or
17 person residing with, the child care facility operator has any
18 direct contact with the children in the facility during its
19 hours of operation. Members of the operator's family or
20 persons residing with the operator who are between the ages of
21 12 years and 18 years shall not be required to be
22 fingerprinted but shall be screened for delinquency records.
23 For purposes of screening, the term shall also include persons
24 who work in child care programs which provide care for
25 children 15 hours or more each week in public or nonpublic
26 schools, summer day camps, family day care homes, or those
27 programs otherwise exempted under s. 412.68 ~~402.316~~. The term
28 does not include public or nonpublic school personnel who are
29 providing care during regular school hours, or after hours for
30 activities related to a school's program for grades
31 kindergarten through 12 as required under chapter 232. A

1 volunteer who assists on an intermittent basis for less than
2 40 hours per month is not included in the term "personnel" for
3 the purposes of screening and training, provided that the
4 volunteer is under direct and constant supervision by persons
5 who meet the personnel requirements of s. 412.57(2)
6 ~~402.305(2)~~. Students who observe and participate in a child
7 care facility as a part of their required coursework shall not
8 be considered child care personnel, provided such observation
9 and participation are on an intermittent basis and the
10 students are under direct and constant supervision of child
11 care personnel.

12 (5)~~(4)~~ "Department" means the Department of Children
13 and Family Services.

14 (6)~~(5)~~ "Drop-in child care" means child care provided
15 occasionally in a child care facility in a shopping mall or
16 business establishment where a child is in care for no more
17 than a 4-hour period and the parent remains on the premises of
18 the shopping mall or business establishment at all times.
19 Drop-in child care arrangements shall meet all requirements
20 for a child care facility unless specifically exempted.

21 (7)~~(6)~~ "Evening child care" means child care provided
22 during the evening hours and may encompass the hours of 6:00
23 p.m. to 7:00 a.m. to accommodate parents who work evenings and
24 late-night shifts.

25 (8)~~(7)~~ "Family day care home" means an occupied
26 residence in which child care is regularly provided for
27 children from at least two unrelated families and which
28 receives a payment, fee, or grant for any of the children
29 receiving care, whether or not operated for profit. A family
30 day care home shall be allowed to provide care for one of the
31 following groups of children, which shall include those

1 children under 13 years of age who are related to the
2 caregiver:

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

5 (b) A maximum of three children from birth to 12
6 months of age, and other children, for a maximum total of six
7 children.

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

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

13 (9)~~(8)~~ "Large family child care home" means an
14 occupied residence in which child care is regularly provided
15 for children from at least two unrelated families, which
16 receives a payment, fee, or grant for any of the children
17 receiving care, whether or not operated for profit, and which
18 has at least two full-time child care personnel on the
19 premises during the hours of operation. One of the two
20 full-time child care personnel must be the owner or occupant
21 of the residence. A large family child care home must first
22 have operated as a licensed family day care home for 2 years,
23 with an operator who has had a child development associate
24 credential or its equivalent for 1 year, before seeking
25 licensure as a large family child care home. A large family
26 child care home shall be allowed to provide care for one of
27 the following groups of children, which shall include those
28 children under 13 years of age who are related to the
29 caregiver:

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

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

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

14 ~~(11)(10)~~ "Local licensing agency" means any agency or
15 individual designated by the county to license child care
16 facilities.

17 ~~(12)(11)~~ "Operator" means any onsite person ultimately
18 responsible for the overall operation of a child care
19 facility, whether or not he or she is the owner or
20 administrator of such facility.

21 ~~(13)(12)~~ "Owner" means the person who is licensed to
22 operate the child care facility.

23 ~~(14)~~ "Partnership" means the Florida Partnership for
24 School Readiness.

25 ~~(15)(13)~~ "Screening" means the act of assessing the
26 background of child care personnel and includes, but is not
27 limited to, employment history checks, local criminal records
28 checks through local law enforcement agencies, fingerprinting
29 for all purposes and checks in this subsection, statewide
30 criminal records checks through the Department of Law
31 Enforcement, and federal criminal records checks through the

1 Federal Bureau of Investigation; except that screening for
2 volunteers included under the definition of personnel includes
3 only local criminal records checks through local law
4 enforcement agencies for current residence and residence
5 immediately prior to employment as a volunteer, if different,
6 and statewide criminal records correspondence checks through
7 the Department of Law Enforcement.

8 ~~(14) "Secretary" means the Secretary of Children and~~
9 ~~Family Services.~~

10 (16)~~(15)~~ "Substantial compliance" means that level of
11 adherence which is sufficient to safeguard the health, safety,
12 and well-being of all children under care. Substantial
13 compliance is greater than minimal adherence but not to the
14 level of absolute adherence. Where a violation or variation
15 is identified as the type which impacts, or can be reasonably
16 expected within 90 days to impact, the health, safety, or
17 well-being of a child, there is no substantial compliance.

18 (17)~~(16)~~ "Weekend child care" means child care
19 provided between the hours of 6 p.m. on Friday and 6 a.m. on
20 Monday.

21 Section 19. Section 402.3025, Florida Statutes, is
22 renumbered as section 412.561, Florida Statutes, and amended
23 to read:

24 412.561 ~~402.3025~~ Public and nonpublic schools.--For
25 the purposes of ss. 412.554-412.70 ~~402.301-402.319~~, the
26 following shall apply:

27 (1) PUBLIC SCHOOLS.--

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

31

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

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

8 3. Programs for children under 3 years of age who are
9 eligible for participation in the programs under the existing
10 or successor provisions of Pub. L. No. 94-142 or Pub. L. No.
11 ~~99-457, provided the programs are operated and staffed~~
12 ~~directly by the schools and provided the programs meet~~
13 ~~age-appropriate standards as adopted by the State Board of~~
14 ~~Education.~~

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

18 1. Programs for children who are under 5 years of age
19 when the programs are not operated and staffed directly by the
20 schools.

21 2. Programs for children under 3 years of age who are
22 not eligible for participation in the programs under existing
23 or successor provisions of Pub. L. No. 94-142 or Pub. L. No.
24 99-457.

25 (c) The agency ~~State Board of Education~~ shall adopt
26 rules to implement this subsection, including standards for
27 programs in subparagraphs (a)2. and 3., which recognize the
28 vulnerability of children under 5 years of age and make
29 special provisions to ensure their health and safety. Such
30 rules shall include, but not be limited to, facilities,
31 personnel staffing and qualifications, transportation, and

1 health and safety practices. In preparing such rules, the
2 agency ~~Commissioner of Education~~ shall review the standards
3 already existing in the state and the recommendations of
4 appropriate professional and accreditation agencies.

5 (d) The monitoring and enforcement of compliance with
6 age-appropriate standards established by rule of the agency
7 ~~State Board of Education~~ shall be the responsibility of the
8 agency ~~Department of Education~~.

9 (2) NONPUBLIC SCHOOLS.--

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

13 (b) Programs for children in 5-year-old kindergarten
14 and grades one or above shall not be deemed to be child care
15 and shall not be subject to the provisions of ss.
16 412.554-412.70 ~~402.301-402.319~~.

17 (c) Programs for children who are at least 3 years of
18 age, but under 5 years of age, shall not be deemed to be child
19 care and shall not be subject to the provisions of ss.
20 412.554-412.70 ~~402.301-402.319~~ relating to child care
21 facilities, provided the programs in the schools are operated
22 and staffed directly by the schools, provided a majority of
23 the children enrolled in the schools are 5 years of age or
24 older, and provided there is compliance with the screening
25 requirements for personnel pursuant to s. 412.57 ~~402.305~~ or s.
26 412.575 ~~402.3057~~. A nonpublic school may designate certain
27 programs as child care, in which case these programs shall be
28 subject to the provisions of ss. 412.554-412.70
29 ~~402.301-402.319~~.

30 (d)1. Programs for children who are at least 3 years
31 of age, but under 5 years of age, which are not licensed under

1 ss. 412.554-412.70 ~~402.301-402.319~~ shall substantially comply
2 with the minimum child care standards promulgated pursuant to
3 ss. 412.57-412.575 ~~402.305-402.3057~~.

4 2. The agency ~~department~~ or local licensing agency
5 shall enforce compliance with such standards, where possible,
6 to eliminate or minimize duplicative inspections or visits by
7 staff enforcing the minimum child care standards and staff
8 enforcing other standards under the jurisdiction of the agency
9 ~~department~~.

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

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

15 b. To enforce its rules and regulations.

16 c. To use corrective action plans, whenever possible,
17 to attain compliance prior to the use of more restrictive
18 enforcement measures.

19 d. To make application for injunction to the proper
20 circuit court, and the judge of that court shall have
21 jurisdiction upon hearing and for cause shown to grant a
22 temporary or permanent injunction, or both, restraining any
23 person from violating or continuing to violate any of the
24 provisions of ss. 412.554-412.70 ~~402.301-402.319~~. Any
25 violation of this section or of the standards applied under
26 ss. 412.57-412.575 ~~402.305-402.3057~~ which threatens harm to
27 any child in the school's programs for children who are at
28 least 3 years of age, but are under 5 years of age, or
29 repeated violations of this section or the standards under ss.
30 412.57-412.575 ~~402.305-402.3057~~, shall be grounds to seek an
31 injunction to close a program in a school.

1 e. To impose an administrative fine, not to exceed
2 \$100, for each violation of the minimum child care standards
3 promulgated pursuant to ss. 412.57-412.575 ~~402.305-402.3057~~.
4 4. It is a misdemeanor of the first degree, punishable
5 as provided in s. 775.082 or s. 775.083, for any person
6 willfully, knowingly, or intentionally to:
7 a. Fail, by false statement, misrepresentation,
8 impersonation, or other fraudulent means, to disclose in any
9 required written documentation for exclusion from licensure
10 pursuant to this section a material fact used in making a
11 determination as to such exclusion; or
12 b. Use information from the criminal records obtained
13 under s. 412.57 ~~402.305~~ or s. 412.574 ~~402.3055~~ for any purpose
14 other than screening that person for employment as specified
15 in those sections or release such information to any other
16 person for any purpose other than screening for employment as
17 specified in those sections.
18 5. It is a felony of the third degree, punishable as
19 provided in s. 775.082, s. 775.083, or s. 775.084, for any
20 person willfully, knowingly, or intentionally to use
21 information from the juvenile records of any person obtained
22 under s. 412.57 ~~402.305~~ or s. 412.574 ~~402.3055~~ for any purpose
23 other than screening for employment as specified in those
24 sections or to release information from such records to any
25 other person for any purpose other than screening for
26 employment as specified in those sections.
27 (e) The agency ~~department~~ and the nonpublic school
28 accrediting agencies are encouraged to develop agreements to
29 facilitate the enforcement of the minimum child care standards
30 as they relate to the schools which the agencies accredit.
31

1 (3) INSPECTION FEE.--The agency ~~department~~ shall
2 establish by rule a fee for inspection activities performed
3 pursuant to this section, in an amount sufficient to cover
4 costs. However, the amount of such fee for the inspection of
5 a school shall not exceed the fee imposed for child care
6 licensure pursuant to s. 412.562 ~~402.315~~.

7 Section 20. Section 402.3027, Florida Statutes, is
8 renumbered as section 412.562, Florida Statutes, and amended
9 to read:

10 412.562 ~~402.3027~~ Observation and assessment of young
11 children in school readiness ~~subsidized child care~~
12 programs.--The partnership ~~Department of Children and Family~~
13 ~~Services~~ is directed to establish a system for the behavioral
14 observation and developmental assessment of young children in
15 school readiness ~~subsidized child care~~ programs, to assist in
16 determining appropriate developmental age level, the need for
17 formal developmental assessment, or the need to make referrals
18 for necessary early intervention programs and specialized
19 services.

20 (1) DEFINITIONS.--

21 (a) "Developmental assessment test" means a
22 standardized assessment test designed to identify normal child
23 development or developmental delays.

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

27 (c) "Developmental observation checklist" means a
28 behavioral observation instrument used to identify
29 developmental milestones.

30 (d) "Diagnostic assessments test" means a test
31 designed to identify children with specific special needs,

1 determine the nature of the problem, suggest the cause of the
2 problem, and propose remediation strategies.

3 (e) "School readiness tests" means tests designed to
4 assess a child's level of preparedness for an academic
5 program.

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

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

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

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

18 (d) Standardized assessment tests and diagnostic
19 assessments tests shall only be administered by professional
20 and trained staff.

21 (e) Testing of young children must be conducted by
22 individuals who are knowledgeable about and sensitive to the
23 developmental needs of young children and are qualified to
24 administer tests.

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

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

30 (a) Level I assessment.--
31

- 1 1. The purpose of Level I assessment is to identify
2 and monitor normal development or possible developmental
3 delay.
- 4 2. All children in care who are between the ages of 1
5 year and 4 years, inclusive, shall be screened every 6 months
6 using a partnership-approved ~~department-approved~~ developmental
7 observation checklist.
- 8 3. The results indicated by the checklist shall be
9 reviewed by the facility's child development associate or by
10 the community child care coordinating agency.
- 11 4. The partnership ~~department~~ shall establish
12 procedures to provide feedback to parents regarding observed
13 development and activities, including parent training, to
14 enhance the child's cognitive, psychomotor, and social skills.
- 15 (b) Level II assessment.--
- 16 1. The purpose of Level II assessment is to determine
17 whether a delay identified in a Level I assessment can be
18 addressed by the child care facility or family day care home
19 or whether a special service or further assessment is needed.
- 20 2. Level II assessment shall be conducted by trained
21 professional staff.
- 22 3. The partnership ~~department~~ shall establish
23 procedures to:
- 24 a. Develop individualized learning plans for
25 implementation by the primary caregiver.
- 26 b. Adopt and offer a program of intensive language or
27 math activities provided by a visiting specialist.
- 28 c. Adopt and offer a program of parent training and
29 home visits.
- 30 (c) Level III assessment.--When indicated by a Level
31 II assessment, the partnership ~~department~~ shall establish

1 procedures to refer a child to Level III assessment providers
2 such as Florida Diagnostic and Learning Resource Services;
3 Medicaid/Early Periodic Screening, Diagnosis, and Testing
4 (EPSDT); Children's Medical Services; and other health
5 services, to determine eligibility for an early intervention
6 program.

7 Section 21. Section 402.3028, Florida Statutes, is
8 renumbered as section 412.563, Florida Statutes, and amended
9 to read:

10 412.563 ~~402.3028~~ Referral for assessment.--The Florida
11 Partnership for School Readiness, the Department of Children
12 and Family Services, the Department of Health, and the
13 Department of Education shall implement the following
14 procedures for making referrals for Level III assessment
15 pursuant to s. 412.562 ~~402.3027~~:

16 (1) Children under 3 years of age who are in the
17 subsidized child care program and are identified as needing a
18 Level III developmental assessment pursuant to s. 412.562
19 ~~402.3027~~ shall be referred to the Early Intervention for
20 Infants and Toddlers with Disabilities Program of the
21 Department of Health, funded under the federal Individuals
22 with Disabilities Education Act, Pub. L. No. 105-17, Part C.
23 Assessments shall be completed within 45 days after the
24 referral. If the Early Intervention for Infants and Toddlers
25 with Disabilities Program is not available, referral may be
26 made to a local community service provider.

27 (2) Children age 3 years through 5 years who are in
28 the subsidized child care program and are identified as
29 needing a Level III developmental assessment pursuant to s.
30 412.562 ~~402.3027~~ shall be referred to the appropriate program
31 under the local school district or appropriate local service

1 provider. It is the intent of the Legislature that these
2 assessments be completed within 45 days because of the
3 critical nature of child development at this age.

4 (3) Services to children with disabilities under this
5 section shall be integrated and delivered with child care
6 programs to the extent possible.

7 (4) Nothing in this section prohibits a school
8 readiness ~~subsidized child care~~ program from referring a child
9 to Medicaid or the Florida KidCare program to determine
10 eligibility for services, or from making a referral to a
11 child's primary health care provider.

12 Section 22. Section 402.305, Florida Statutes, is
13 renumbered as section 412.57, Florida Statutes, and
14 subsections (1) through (7) and (16) through (19) of said
15 section are amended to read:

16 412.57 ~~402.305~~ Licensing standards; child care
17 facilities.--

18 (1) LICENSING STANDARDS.--The agency ~~department~~ shall
19 establish licensing standards that each licensed child care
20 facility must meet regardless of the origin or source of the
21 fees used to operate the facility or the type of children
22 served by the facility.

23 (a) The standards shall be designed to address the
24 following areas:

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

27 2. The health and nutrition of all children in child
28 care.

29 3. The child development needs of all children in
30 child care.

31

1 (b) All standards established under ss. 412.554-412.70
2 ~~402.301-402.319~~ must be consistent with the rules adopted by
3 the State Fire Marshal for child care facilities. However, if
4 the facility is operated in a public school, the agency
5 ~~department~~ shall use the public school fire code, as provided
6 in the rules of the Department of Education, as the minimum
7 standard for firesafety.

8 (c) The minimum standards for child care facilities
9 shall be adopted in the rules of the agency ~~department~~ and
10 shall address the areas delineated in this section. The agency
11 ~~department~~, in adopting rules to establish minimum standards
12 for child care facilities, shall recognize that different age
13 groups of children may require different standards. The agency
14 ~~department~~ may adopt different minimum standards for
15 facilities that serve children in different age groups,
16 including school-age children.

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

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

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

25 (c) Minimum age requirements. Such minimum standards
26 shall prohibit a person under the age of 21 from being the
27 operator of a child care facility and a person under the age
28 of 16 from being employed at such facility unless such person
29 is under direct supervision and is not counted for the
30 purposes of computing the personnel-to-child ratio.

31

1 (d) Minimum training requirements for child care
2 personnel.
3 1. Such minimum standards for training shall ensure
4 that all child care personnel and operators of family day care
5 homes serving at-risk children in a subsidized child care
6 program pursuant to s. 412.555 ~~402.3015~~ take an approved
7 40-clock-hour introductory course in child care, which course
8 covers at least the following topic areas:
9 a. State and local rules and regulations which govern
10 child care.
11 b. Health, safety, and nutrition.
12 c. Identifying and reporting child abuse and neglect.
13 d. Child development, including typical and atypical
14 language, cognitive, motor, social, and self-help skills
15 development.
16 e. Observation of developmental behaviors, including
17 using a checklist or other similar observation tools and
18 techniques to determine the child's developmental age level.
19 f. Specialized areas, as determined by the department,
20 for owner-operators and child care personnel of a child care
21 facility.
22
23 Within 90 days of employment, child care personnel shall begin
24 training to meet the training requirements and shall complete
25 such training within 1 year of the date on which the training
26 began. Exemption from all or a portion of the required
27 training shall be granted to child care personnel based upon
28 educational credentials or passage of competency examinations.
29 2. The introductory course in child care shall stress,
30 to the extent possible, an interdisciplinary approach to the
31 study of children.

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

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

18 5. Training requirements shall not apply to certain
19 occasional or part-time support staff, including, but not
20 limited to, swimming instructors, piano teachers, dance
21 instructors, and gymnastics instructors.

22 6. The partnership ~~State Coordinating Council for~~
23 ~~School Readiness Programs, in coordination with the~~
24 ~~department,~~ shall evaluate or contract for an evaluation for
25 the general purpose of determining the status of and means to
26 improve staff training requirements and testing procedures.
27 The evaluation shall be completed by October 1, 1992, and
28 conducted every 2 years thereafter. The evaluation shall
29 include, but not be limited to, determining the availability,
30 quality, scope, and sources of current staff training;
31 determining the need for specialty training; and determining

1 ways to increase inservice training and ways to increase the
2 accessibility, quality, and cost-effectiveness of current and
3 proposed staff training. The evaluation methodology shall
4 include a reliable and valid survey of child care personnel.

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

9 (e) Periodic health examinations.

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

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

17 (a) A child development associate credential;

18 (b) A child care professional credential, unless the
19 agency ~~department~~ determines that such child care professional
20 credential is not equivalent to or greater than a child
21 development associate credential; or

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

24

25 The agency, with consultation from the partnership,~~department~~
26 shall establish by rule those hours of operation, such as
27 during rest periods and transitional periods, when this
28 subsection does not apply.

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

30

31

1 (a) Minimum standards for the care of children in a
2 licensed child care facility as established by rule of the
3 agency ~~department~~ must include:
4 1. For children from birth through 1 year of age,
5 there must be one child care personnel for every four
6 children.
7 2. For children 1 year of age or older, but under 2
8 years of age, there must be one child care personnel for every
9 six children.
10 3. For children 2 years of age or older, but under 3
11 years of age, there must be one child care personnel for every
12 11 children.
13 4. For children 3 years of age or older, but under 4
14 years of age, there must be one child care personnel for every
15 15 children.
16 5. For children 4 years of age or older, but under 5
17 years of age, there must be one child care personnel for every
18 20 children.
19 6. For children 5 years of age or older, there must be
20 one child care personnel for every 25 children.
21 7. When children 2 years of age and older are in care,
22 the staff-to-children ratio shall be based on the age group
23 with the largest number of children within the group.
24 (b) This subsection does not apply to nonpublic
25 schools and their integral programs as defined in s.
26 412.561(2)(d)1. ~~402.3025(2)(d)1.~~ In addition, an individual
27 participating in a community service work experience activity
28 under s. 445.024(1)(d), or a work experience activity under s.
29 445.024(1)(e), at a child care facility may not be considered
30 in calculating the staff-to-children ratio.
31

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

20 (6) SQUARE FOOTAGE PER CHILD.--Minimum standards shall
21 be established by the agency ~~department~~ by rule.

22 (a) A child care facility that holds a valid license
23 on October 1, 1992, must have a minimum of 20 square feet of
24 usable indoor floor space for each child and a minimum of 45
25 square feet of usable outdoor play area for each child.
26 Outdoor play area shall be calculated at the rate of 45 feet
27 per child in any group using the play area at one time. A
28 minimum play area shall be provided for one half of the
29 licensed capacity. This standard applies as long as the child
30 care facility remains licensed at the site occupied on October
31

1 1, 1992, and shall not be affected by any change in the
2 ownership of the site.

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

8
9 The minimum standard for outdoor play area does not apply in
10 calculating square footage for children under 1 year of age.
11 However, appropriate outdoor infant equipment shall be
12 substituted for outdoor play space. The centers shall provide
13 facilities and equipment conducive to the physical activities
14 appropriate for the age and physical development of the child.

15 (7) SANITATION AND SAFETY.--

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

23 (b) In the case of a child care program for school-age
24 children attending before and after school programs on the
25 public school site, the agency ~~department~~ shall use the public
26 school fire code, as promulgated in the rules of the
27 Department of Education, as the minimum standard for
28 firesafety. In the case of a child care program for
29 school-age children attending before-school and after-school
30 programs on a site operated by a municipality, the agency
31 ~~department~~ shall adopt rules for such site and intended use.

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

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

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

25 ~~(18) CHILD CARE TECHNICAL REVIEW PANEL.--There is~~
26 ~~hereby created a child care technical review panel, appointed~~
27 ~~by the Chair of the State Coordinating Council for School~~
28 ~~Readiness Programs, established by s. 411.222, to develop~~
29 ~~recommendations for inclusion, unedited, in the State~~
30 ~~Coordinating Council for School Readiness Programs annual~~
31 ~~report as required by s. 411.222(6), and provide technical~~

1 ~~assistance to the department for the adoption of rules for~~
2 ~~licensing child care facilities in accordance with the minimum~~
3 ~~standards established in this section. The review panel must~~
4 ~~consist of seven members, five of whom must be:~~

5 ~~(a) An owner or operator of a subsidized child care~~
6 ~~facility;~~

7 ~~(b) An owner or operator of a proprietary child care~~
8 ~~facility;~~

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

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

13 ~~(e) A child care provider that has attained a child~~
14 ~~care professional credential.~~

15
16 ~~The technical review panel members shall be appointed for a~~
17 ~~term of 3 years each. No member shall serve more than two~~
18 ~~consecutive terms.~~

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

20 (a) One week prior to the transfer of ownership of a
21 child care facility or family day care home, the transferor
22 shall notify the parent or caretaker of each child of the
23 impending transfer.

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

27 Section 23. Section 402.3051, Florida Statutes, is
28 renumbered as section 412.571, Florida Statutes, and amended
29 to read:

30 412.571 ~~402.3051~~ Child care market rate reimbursement;
31 child care grants.--

- 1 (1) As used in this section, the term:
- 2 (a) "School readiness ~~Child care~~ program assessment
3 tool" means an assessment instrument designated or developed
4 by the partnership ~~department~~ to determine quality child care
5 and other child development services to children under the
6 provision of s. 412.555 ~~402.3015~~, Title IV-A of the Social
7 Security Act, and the Child Care and Development Block Grant
8 Act of 1990.
- 9 (b) "Market rate" means the price that a child care
10 provider charges for daily, weekly, or monthly child care
11 services. Market rate shall:
- 12 1. Be established for licensed child care facilities
13 or facilities that are not subject to s. 412.57 ~~402.305~~,
14 licensed or registered family day care homes, licensed
15 before-school and after-school child care programs, and
16 unregulated care provided by a relative or other caretaker.
- 17 2. Differentiate among child care for children with
18 special needs or risk categories, infants, toddlers, and
19 preschool and school-age children.
- 20 3. Differentiate between full-time and part-time care.
- 21 4. Consider reductions in the cost of care for
22 additional children in the same family.
- 23 (c) "Prevailing market rate" means the annually
24 determined 75th percentile of a reasonable frequency
25 distribution of market rate in a predetermined geographic
26 market at which licensed child care providers charge a person
27 for child care services.
- 28 (2) The local school readiness coalition ~~department~~
29 shall establish procedures to reimburse licensed, exempt, or
30 registered child care providers who hold a Gold Seal Quality
31 Care designation at the market rate for child care services

1 for children who are eligible to receive subsidized child
2 care; and licensed, exempt, or registered child care providers
3 at the prevailing market rate for child care services for
4 children who are eligible to receive subsidized child care,
5 unless prohibited by federal law under s. 412.555 ~~402.3015~~.
6 The agency ~~department~~ shall establish procedures to reimburse
7 providers of unregulated child care at not more than 50
8 percent of the market rate. The payment system may not
9 interfere with the parents' decision as to the appropriate
10 child care arrangement, regardless of the level of available
11 funding for child care. The child care program assessment tool
12 may not be used to determine reimbursement rates.

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

17 ~~(4) The department may use the state community child~~
18 ~~care coordination agencies (central agencies), community~~
19 ~~colleges, and vocational/technical programs to implement this~~
20 ~~section.~~

21 (3)(5) The agency ~~department~~ may adopt rules and other
22 policy provisions necessary to implement this section.

23 (4)(6) This section shall be implemented only to the
24 extent that funding is available.

25 Section 24. Section 402.3052, Florida Statutes, is
26 renumbered as section 412.572, Florida Statutes, and amended
27 to read:

28 412.572 ~~402.3052~~ Child development associate training
29 grants program.--

30
31

1 (1) There is hereby created the child development
2 associate training grants program within the agency
3 ~~department~~.

4 ~~(a)~~ The purpose of the child development associate
5 training grants program is to provide child care personnel who
6 work in a licensed child care facility or public and nonpublic
7 preschool program for children 5 years of age or under an
8 opportunity to receive a child development associate
9 credential, or its equivalent, and to receive other training
10 to enhance their skills.

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

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

17 (3) The agency ~~department~~ through contract may provide
18 a training grant to a community college, vocational/technical
19 program, local school readiness coalition ~~central agency~~, or
20 other entity to provide the training for a child development
21 associate credential or its equivalent.

22 (4) The agency ~~department~~ shall require a community
23 college, vocational/technical program, local school readiness
24 coalition ~~central agency~~, or other entity under contract to
25 comply with the following requirements:

26 (a) Identification of the training needs of the area
27 served by the community college, vocational/technical program,
28 local school readiness coalition ~~central agency~~, or other
29 entity participating in the training grant, including an
30 assessment of area resources available for training child
31

1 care, home visits, and other family support personnel to work
2 with children with special needs.

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

6 (c) Development of a plan to provide training and
7 technical assistance, as needed, to child care personnel after
8 the attainment of the child development associate credential
9 or its equivalent.

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

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

- 16 1. The number of child care personnel trained.
17 2. The number of child care personnel attaining the
18 child development associate credential or its equivalent.

19 (f) The development of training strategies to train
20 child care personnel beyond the child development associate
21 credential.

22 (g) Other requirements as determined by the
23 partnership ~~department~~.

24 (5) The agency ~~department~~ shall provide child care
25 incentive grants for innovative child care private-public
26 partnerships that promote the development of child care
27 facilities or family day care homes.

28 (a) The purpose of the child care incentive grants is
29 to encourage private-public partnership efforts to train and
30 assist public assistance recipients to gain employment in
31

1 child care facilities or operate child care facilities or
2 family day care homes.

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

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

10 (6) The agency ~~department~~ may contract with the
11 Department of Education to implement any of the provisions of
12 the section.

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

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

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

19 Section 26. Section 402.3055, Florida Statutes, is
20 renumbered as section 412.574, Florida Statutes, and amended
21 to read:

22 412.574 ~~402.3055~~ Child care personnel requirements.--

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

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

1 requested under penalty of perjury. If the applicant, owner,
2 or operator admits that he or she has been a party in such
3 action, the agency ~~department~~ or local licensing agency shall
4 review the nature of the suspension, revocation, disciplinary
5 action, or fine before granting the applicant a license to
6 operate a child care facility. If the agency ~~department~~ or
7 local licensing agency determines as the result of such review
8 that it is not in the best interest of the state or local
9 jurisdiction for the applicant to be licensed, a license shall
10 not be granted.

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

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

26 (a) The agency ~~department~~ or local licensing agency
27 shall deny, suspend, or revoke a license or pursue other
28 remedies provided in s. 412.62 ~~402.310~~, s. 412.64 ~~402.312~~, or
29 s. 412.70 ~~402.319~~ in addition to or in lieu of denial,
30 suspension, or revocation for failure to comply with this
31 section. The disciplinary actions determination to be made by

1 the agency ~~department~~ or the local licensing agency and the
2 procedure for hearing for applicants and licensees shall be in
3 accordance with s. 412.62 ~~402.310~~.

4 (b) When the agency ~~department~~ or the local licensing
5 agency has reasonable cause to believe that grounds for denial
6 or termination of employment exist, it shall notify, in
7 writing, the applicant, licensee, or other child care program
8 and the child care personnel affected, stating the specific
9 record which indicates noncompliance with the standards in s.
10 412.57(2) ~~402.305(2)~~.

11 (c) When the agency ~~department~~ is the organization
12 ~~agency~~ initiating the statement regarding noncompliance, the
13 procedures established for hearing under chapter 120 shall be
14 available to the applicant, licensee, or other child care
15 program and to the affected child care personnel, in order to
16 present evidence relating either to the accuracy of the basis
17 of exclusion or to the denial of an exemption from
18 disqualification.

19 (d) When a local licensing agency is the organization
20 ~~agency~~ initiating the statement regarding noncompliance of an
21 employee with the standards contained in s. 412.57(2)
22 ~~402.305(2)~~, the employee, applicant, licensee, or other child
23 care program has 15 days from the time of written notification
24 of the agency's finding to make a written request for a
25 hearing. If a request for a hearing is not received in that
26 time, the permanent employee, applicant, licensee, or other
27 child care program is presumed to accept the finding.

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

1 (f) An employee, applicant, licensee, or other child
2 care program shall have the right to appeal a finding of the
3 local licensing agency to a representative of the agency
4 ~~department~~. Any required hearing shall be held in the county
5 in which the permanent employee is employed. The hearing
6 shall be conducted in accordance with the provisions of
7 chapter 120.

8 (g) Refusal on the part of an applicant or licensee to
9 dismiss child care personnel who have been found to be in
10 noncompliance with personnel standards of s. 412.57(2)
11 ~~402.305(2)~~ shall result in automatic denial or revocation of
12 the license in addition to any other remedies pursued by the
13 agency ~~department~~ or local licensing agency.

14 Section 27. Section 402.3057, Florida Statutes, is
15 renumbered as section 412.575, Florida Statutes, and amended
16 to read:

17 412.575 ~~402.3057~~ Persons not required to be
18 refingerprinted or rescreened.--Any provision of law to the
19 contrary notwithstanding, human resource personnel who have
20 been fingerprinted or screened pursuant to chapters 393, 394,
21 397, ~~402,~~ and 409, and 412, and teachers and noninstructional
22 personnel who have been fingerprinted pursuant to chapter 231,
23 who have not been unemployed for more than 90 days thereafter,
24 and who under the penalty of perjury attest to the completion
25 of such fingerprinting or screening and to compliance with the
26 provisions of this section and the standards for good moral
27 character as contained in such provisions as ss. 110.1127(3),
28 393.0655(1), 394.457(6), 397.451, 412.57(2) ~~402.305(2)~~, and
29 409.175(4), shall not be required to be refingerprinted or
30 rescreened in order to comply with any caretaker screening or
31 fingerprinting requirements.

1 Section 28. Section 402.306, Florida Statutes, is
2 renumbered as section 412.58, Florida Statutes, and amended to
3 read:

4 412.58 ~~402.306~~ Designation of licensing agency;
5 dissemination by the agency ~~department~~ and local licensing
6 agency of information on child care.--

7 (1) Any county whose licensing standards meet or
8 exceed state minimum standards may:

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

11 (b) Contract with the agency ~~department~~ to delegate
12 the administration of state minimum standards in the county to
13 the agency ~~department~~.

14 (2) Child care facilities in any county whose
15 standards do not meet or exceed state minimum standards shall
16 be subject to licensing by the agency ~~department~~ under state
17 minimum standards.

18 (3) The agency ~~department~~ and local licensing
19 agencies, or the designees thereof, shall be responsible for
20 coordination and dissemination of information on child care to
21 the community and shall make available upon request all
22 licensing standards and procedures, in addition to the names
23 and addresses of licensed child care facilities and, where
24 applicable pursuant to s. 412.65 ~~402.313~~, licensed or
25 registered family day care homes.

26 Section 29. Section 402.307, Florida Statutes, is
27 renumbered as section 412.59, Florida Statutes, and amended to
28 read:

29 412.59 ~~402.307~~ Approval of licensing agency.--

30 (1) Within 30 days after the promulgation of state
31 minimum standards, each county shall provide the agency

1 ~~department~~ with a copy of its standards if they differ from
2 the state minimum standards. At the same time, each county
3 shall provide the agency ~~department~~ with the administrative
4 procedures it intends to use for the licensing of child care
5 facilities.

6 (2) The agency ~~department~~ shall have the authority to
7 determine if local standards meet or exceed state minimum
8 standards. Within 60 days after the county has submitted its
9 standards and procedures, the agency ~~department~~, upon being
10 satisfied that such standards meet or exceed state minimum
11 standards and that there is compliance with all provisions of
12 ss. 412.554-412.70 ~~402.301-402.319~~, shall approve the local
13 licensing agency.

14 (3) Approval to issue licenses for the agency
15 ~~department~~ shall be renewed annually. For renewal, the local
16 licensing agency shall submit to the agency ~~department~~ a copy
17 of the licensing standards and procedures applied. An onsite
18 review may be made if deemed necessary by the agency
19 ~~department~~.

20 (4) If, following an onsite review, the agency
21 ~~department~~ finds the local licensing agency is not applying
22 the approved standards, the agency ~~department~~ shall report the
23 specific violations to the county commission of the involved
24 county which shall investigate the violations and take
25 whatever action necessary to correct them.

26 (5) To ensure that accurate statistical data are
27 available, each local licensing agency shall report annually
28 to the agency ~~department~~ the number of child care facilities
29 under its jurisdiction, the number of children served, the
30 ages of children served, and the number of revocations or
31 denials of licenses.

1 Section 30. Section 402.308, Florida Statutes, is
2 renumbered as section 412.60, Florida Statutes, and amended to
3 read:

4 412.60 ~~402.308~~ Issuance of license.--

5 (1) ANNUAL LICENSING.--Every child care facility in
6 the state shall have a license which shall be renewed
7 annually.

8 (2) CHANGE OF OWNERSHIP.--Every child care facility
9 shall reapply for and receive a license prior to the time a
10 new owner assumes responsibility for the facility. The agency
11 ~~department~~ shall grant or deny the reapplication for license
12 within 45 days from the date upon which the child care
13 facility reapplies.

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

17 (a) Application for a license or for a renewal of a
18 license to operate a child care facility shall be made in the
19 manner and on the forms prescribed by the agency ~~department~~.
20 The applicant's social security number shall be included on
21 the form submitted to the agency ~~department~~. Pursuant to the
22 federal Personal Responsibility and Work Opportunity
23 Reconciliation Act of 1996, each applicant is required to
24 provide his or her social security number in accordance with
25 this section. Disclosure of social security numbers obtained
26 through this requirement shall be limited to the purpose of
27 administration of the Title IV-D program for child support
28 enforcement.

29 (b) Prior to the renewal of a license, the agency
30 ~~department~~ shall reexamine the child care facility, including
31 in that process the examination of the premises and those

1 records of the facility as required under s. 412.57 ~~402.305~~,
2 to determine that minimum standards for licensing continue to
3 be met.

4 (c) The agency ~~department~~ shall coordinate all
5 inspections of child care facilities. A child care facility
6 is not required to implement a recommendation of one agency
7 that is in conflict with a recommendation of another agency if
8 such conflict arises due to uncoordinated inspections. Any
9 conflict in recommendations shall be resolved by the director
10 ~~secretary~~ of the agency ~~department~~ within 15 days after
11 written notice that such conflict exists.

12 (d) The agency ~~department~~ shall issue or renew a
13 license upon receipt of the license fee and upon being
14 satisfied that all standards required by ss. 412.554-412.70
15 ~~402.301-402.319~~ have been met. A license may be issued if all
16 the screening materials have been timely submitted; however, a
17 license may not be issued or renewed if any of the child care
18 personnel at the applicant facility have failed the screening
19 required by ss. 412.57(2)~~402.305(2)~~ and 412.574 ~~402.3055~~.

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

23 (a) Application for a license or for renewal of
24 license to operate a child care facility shall be made in the
25 manner and on the forms prescribed by the local licensing
26 agency.

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

1 (c) The local licensing agency shall coordinate all
2 inspections of child care facilities. A child care facility
3 is not required to implement a recommendation of one agency
4 that is in conflict with a recommendation of another agency if
5 such conflict arises due to uncoordinated inspections. Any
6 conflict in recommendations shall be resolved by the county
7 commission or its representative within 15 days after written
8 notice that such conflict exists.

9 (d) The local licensing agency shall issue a license
10 or renew a license upon being satisfied that all standards
11 required by ss. 412.554-412.70 ~~402.301-402.319~~ have been met.
12 A license may be issued or renewed if all the screening
13 materials have been timely submitted; however, the local
14 licensing agency shall not issue or renew a license if any of
15 the child care personnel at the applicant facility have failed
16 the screening required by ss. 412.57(2)~~402.305(2)~~and 412.574
17 ~~402.3055~~.

18 (5) ISSUANCE OF LOCAL OCCUPATIONAL LICENSES.--No
19 county or municipality shall issue an occupational license
20 which is being obtained for the purpose of operating a child
21 care facility regulated under this act without first
22 ascertaining that the applicant has been licensed to operate
23 such facility at the specified location or locations by the
24 agency ~~department~~ or local licensing agency. The agency
25 ~~department~~ or local licensing agency shall furnish to local
26 agencies responsible for issuing occupational licenses
27 sufficient instruction for making the above required
28 determinations.

29 Section 31. Section 402.309, Florida Statutes, is
30 renumbered as section 412.61, Florida Statutes, and amended to
31 read:

1 412.61 ~~402.309~~ Provisional license.--

2 (1) The local licensing agency or the agency
3 ~~department~~, whichever is authorized to license child care
4 facilities in a county, may issue a provisional license to
5 applicants for a license or to licensees who are unable to
6 conform to all the standards provided for in ss.

7 412.554-412.70 ~~402.301-402.319~~.

8 (2) No provisional license may be issued unless the
9 operator or owner makes adequate provisions for the health and
10 safety of the child. A provisional license may be issued if
11 all of the screening materials have been timely submitted;
12 however, a provisional license may not be issued unless the
13 child care facility is in compliance with the requirements for
14 screening of child care personnel in ss. 412.57 ~~402.305~~ and
15 412.574 ~~402.3055~~.

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

20 (4) The provisional license may be suspended if
21 periodic inspection made by the local licensing agency or the
22 agency ~~department~~ indicates that insufficient progress has
23 been made toward compliance.

24 Section 32. Section 402.310, Florida Statutes, is
25 renumbered as section 412.62, Florida Statutes, and amended to
26 read:

27 412.62 ~~402.310~~ Disciplinary actions; hearings upon
28 denial, suspension, or revocation of license; administrative
29 fines.--

30 (1)(a) The agency ~~department~~ or local licensing agency
31 may deny, suspend, or revoke a license or impose an

1 administrative fine not to exceed \$100 per violation, per day,
2 for the violation of any provision of ss. 412.554-412.70
3 ~~402.301-402.319~~ or rules adopted thereunder. However, where
4 the violation could or does cause death or serious harm, the
5 agency ~~department~~ or local licensing agency may impose an
6 administrative fine, not to exceed \$500 per violation per day.

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

10 1. The severity of the violation, including the
11 probability that death or serious harm to the health or safety
12 of any person will result or has resulted, the severity of the
13 actual or potential harm, and the extent to which the
14 provisions of ss. 412.554-412.70 ~~402.301-402.319~~ have been
15 violated.

16 2. Actions taken by the licensee to correct the
17 violation or to remedy complaints.

18 3. Any previous violations of the licensee.

19 (2) When the agency ~~department~~ has reasonable cause to
20 believe that grounds for the denial, suspension, or revocation
21 of a license or imposition of an administrative fine exist, it
22 shall determine the matter in accordance with procedures
23 prescribed in chapter 120. When the local licensing agency
24 has reasonable cause to believe that grounds for the denial,
25 suspension, or revocation of a license or imposition of an
26 administrative fine exist, it shall notify the applicant or
27 licensee in writing, stating the grounds upon which the
28 license is being denied, suspended, or revoked or an
29 administrative fine is being imposed. If the applicant or
30 licensee makes no written request for a hearing to the local
31 licensing agency within 15 days from receipt of such notice,

1 the license shall be deemed denied, suspended, or revoked or
2 an administrative fine shall be imposed.

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

7 (4) An applicant or licensee shall have the right to
8 appeal a decision of the local licensing agency to a
9 representative of the agency ~~department~~. Any required hearing
10 shall be held in the county in which the child care facility
11 is being operated or is to be established. The hearing shall
12 be conducted in accordance with the provisions of chapter 120.

13 Section 33. Section 402.311, Florida Statutes, is
14 renumbered as section 412.63, Florida Statutes, and amended to
15 read:

16 412.63 ~~402.311~~ Inspection.--A licensed child care
17 facility shall accord to the agency ~~department~~ or the local
18 licensing agency, whichever is applicable, the privilege of
19 inspection, including access to facilities and personnel and
20 to those records required in s. 412.57 ~~402.305~~, at reasonable
21 times during regular business hours, to ensure compliance with
22 the provisions of ss. 412.554-412.70 ~~402.301-402.319~~. The
23 right of entry and inspection shall also extend to any
24 premises which the agency ~~department~~ or local licensing agency
25 has reason to believe are being operated or maintained as a
26 child care facility without a license, but no such entry or
27 inspection of any premises shall be made without the
28 permission of the person in charge thereof unless a warrant is
29 first obtained from the circuit court authorizing same. Any
30 application for a license or renewal made pursuant to this act
31 or the advertisement to the public for the provision of child

1 care as defined in s. 412.56 ~~402.302~~ shall constitute
2 permission for any entry or inspection of the premises for
3 which the license is sought in order to facilitate
4 verification of the information submitted on or in connection
5 with the application. In the event a licensed facility
6 refuses permission for entry or inspection to the agency
7 ~~department~~ or local licensing agency, a warrant shall be
8 obtained from the circuit court authorizing same prior to such
9 entry or inspection. The agency ~~department~~ or local licensing
10 agency may institute disciplinary proceedings pursuant to s.
11 412.62 ~~402.310~~, for such refusal.

12 Section 34. Section 402.3115, Florida Statutes, is
13 renumbered as section 412.631, Florida Statutes, and amended
14 to read:

15 412.631 ~~402.3115~~ Elimination of duplicative and
16 unnecessary inspections; abbreviated inspections.--The Agency
17 for Workforce Innovation ~~Department of Children and Family~~
18 ~~Services~~ and local governmental agencies that license child
19 care facilities shall develop and implement a plan to
20 eliminate duplicative and unnecessary inspections of child
21 care facilities. In addition, the agency ~~department~~ and the
22 local governmental agencies shall develop and implement an
23 abbreviated inspection plan for child care facilities that
24 have had no Class 1 or Class 2 deficiencies, as defined by
25 rule, for at least 2 consecutive years. The abbreviated
26 inspection must include those elements identified by the
27 agency ~~department~~ and the local governmental agencies as being
28 key indicators of whether the child care facility continues to
29 provide quality care and programming.

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1 Section 35. Section 402.312, Florida Statutes, is
2 renumbered as section 412.64, Florida Statutes, and amended to
3 read:

4 412.64 ~~402.312~~ License required; injunctive relief.--

5 (1) The operation of a child care facility without a
6 license is prohibited. If the agency ~~department~~ or the local
7 licensing agency discovers that a child care facility is being
8 operated without a license, the agency ~~department~~ or local
9 licensing agency is authorized to seek an injunction in the
10 circuit court where the facility is located to enjoin
11 continued operation of such facility. When the court is closed
12 for the transaction of judicial business, the agency
13 ~~department~~ or local licensing agency is authorized to seek an
14 emergency injunction to enjoin continued operation of such
15 unlicensed facility, which injunction shall be continued,
16 modified, or revoked on the next day of judicial business.

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

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

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

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

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

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1 Section 36. Section 402.3125, Florida Statutes, is
2 renumbered as section 412.641, Florida Statutes, and amended
3 to read:
4 412.641 ~~402.3125~~ Display and appearance of license;
5 posting of violations; information to be provided to
6 parents.--
7 (1)(a) Upon receipt of a license issued under s.
8 412.60 ~~402.308~~ or s. 412.61 ~~402.309~~, the child care facility
9 shall display such license in a conspicuous place within the
10 facility.
11 (b)1. In addition to posting the license as required
12 under paragraph (a), the child care facility shall post with
13 the license:
14 a. Each citation for a violation of any standard or
15 requirement of ss. 412.554-412.70 ~~402.301-402.319~~ that has
16 resulted in disciplinary action under s. 412.62 ~~402.310~~ or s.
17 412.64 ~~402.312~~.
18 b. An explanation, written in simple language, of each
19 citation.
20 c. A description, written in simple language, of the
21 corrective action, if any, taken by the facility for each
22 citation. Included in the description shall be the dates on
23 which the corrective action was taken.
24 2. Each citation, explanation, and description of
25 corrective action shall remain posted for 1 year after the
26 citation's effective date.
27 (2) The agency ~~department~~ shall ensure that every
28 license it issues under s. 412.60 ~~402.308~~ or s. 412.61 ~~402.309~~
29 bears the distinctive seals of the State of Florida and of the
30 agency ~~department~~ and is clearly recognizable by its size,
31

1 color, seals, and contents to be a state license or
2 provisional license for a child care facility.

3 (3) Each local licensing agency shall ensure that
4 every license it issues under s. 412.60 ~~402.308~~ or s. 412.61
5 ~~402.309~~ bears the distinctive seals of the issuing county and
6 of the agency ~~department~~ and is clearly recognizable by its
7 size, color, seals, and contents to be a county license or
8 provisional license for a child care facility. Noncompliance
9 by a local licensing agency shall be deemed by the agency
10 ~~department~~ to be failure to meet minimum state standards and
11 shall result in the agency ~~department~~ immediately assuming
12 licensure authority in the county.

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

16 (5) The agency ~~department~~ shall develop a model
17 brochure for distribution by the agency ~~department~~ and by
18 local licensing agencies to every child care facility in the
19 state. Pursuant thereto:

20 (a) Upon receipt of such brochures, each child care
21 facility shall provide a copy of same to every parent,
22 guardian, or other person having entered a child in such
23 facility. Thereafter, a copy of such brochure shall be
24 provided to every parent, guardian, or other person entering a
25 child in such facility upon entrance of the child or prior
26 thereto.

27 (b) Each child care facility shall certify to the
28 agency ~~department~~ or local licensing agency, whichever is
29 appropriate, that it has so provided and will continue to so
30 provide such brochures, which certification shall operate as a
31 condition upon issuance and renewal of licensure.

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

3 (c) The brochure shall, at a minimum, contain the
4 following information:

5 1. A statement that the facility is licensed and has
6 met state standards for licensure as established by s. 412.57
7 ~~402.305~~ or that the facility is licensed by a local licensing
8 agency and has met or exceeded the state standards, pursuant
9 to ss. 412.58 ~~402.306~~ and 412.59 ~~402.307~~. Such statement shall
10 include a listing of specific standards that licensed
11 facilities must meet pursuant to s. 412.57 ~~402.305~~.

12 2. A statement indicating that information about the
13 licensure status of the child care facility can be obtained by
14 telephoning the agency ~~department~~ office or the office of the
15 local licensing agency issuing the license at a telephone
16 number or numbers which shall be printed upon or otherwise
17 affixed to the brochure.

18 3. The statewide toll-free telephone number of the
19 central abuse hotline, together with a notice that reports of
20 suspected and actual cases of child physical abuse, sexual
21 abuse, and neglect are received and referred for investigation
22 by the hotline.

23 4. The date that the current license for the facility
24 was issued and the date of its scheduled expiration if it is
25 not renewed.

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

30 (d) The agency ~~department~~ shall prepare a brochure
31 containing substantially the same information as specified in

1 paragraph (c) and shall make such brochure available to all
2 interested persons, including physicians and other health
3 professionals; mental health professionals; school teachers or
4 other school personnel; social workers or other professional
5 child care, foster care, residential, or institutional
6 workers; and law enforcement officers.

7 Section 37. Section 402.313, Florida Statutes, is
8 renumbered as section 412.65, Florida Statutes, and amended to
9 read:

10 412.65 ~~402.313~~ Family day care homes.--

11 (1) Family day care homes shall be licensed under this
12 act if they are presently being licensed under an existing
13 county licensing ordinance, if they are participating in the
14 subsidized child care program, or if the board of county
15 commissioners passes a resolution that family day care homes
16 be licensed. If no county authority exists for the licensing
17 of a family day care home, the agency ~~department~~ shall have
18 the authority to license family day care homes under contract
19 for the purchase-of-service system in the subsidized child
20 care program.

21 (a) If not subject to license, family day care homes
22 shall register annually with the agency ~~department~~, providing
23 the following information:

- 24 1. The name and address of the home.
- 25 2. The name of the operator.
- 26 3. The number of children served.
- 27 4. Proof of a written plan to provide at least one
28 other competent adult to be available to substitute for the
29 operator in an emergency. This plan shall include the name,
30 address, and telephone number of the designated substitute.
- 31 5. Proof of screening and background checks.

- 1 6. Proof of completion of the 30-hour training course,
2 which shall include:
- 3 a. State and local rules and regulations that govern
4 child care.
- 5 b. Health, safety, and nutrition.
- 6 c. Identifying and reporting child abuse and neglect.
- 7 d. Child development, including typical and atypical
8 language development; and cognitive, motor, social, and
9 self-help skills development.
- 10 e. Observation of developmental behaviors, including
11 using a checklist or other similar observation tools and
12 techniques to determine a child's developmental level.
- 13 f. Specialized areas, as determined by the agency
14 ~~department~~, for owner-operators of family day care homes.
- 15 7. Proof that immunization records are kept current.
- 16 (b) The agency ~~department~~ or local licensing agency
17 may impose an administrative fine, not to exceed \$100, for
18 failure to comply with licensure or registration requirements.
- 19 (c) A family day care home not participating in the
20 subsidized child care program may volunteer to be licensed
21 under the provisions of this act.
- 22 (d) The agency ~~department~~ may provide technical
23 assistance to counties and family day care home providers to
24 enable counties and family day care providers to achieve
25 compliance with family day care homes standards.
- 26 (2) This information shall be included in a directory
27 to be published annually by the agency ~~department~~ to inform
28 the public of available child care facilities.
- 29 (3) Child care personnel in family day care homes
30 shall be subject to the applicable screening provisions
31 contained in ss. 412.57(2)~~402.305(2)~~ and 412.574 ~~402.3055~~.

1 For purposes of screening in family day care homes, the term
2 includes any member over the age of 12 years of a family day
3 care home operator's family, or persons over the age of 12
4 years residing with the operator in the family day care home.
5 Members of the operator's family, or persons residing with the
6 operator, who are between the ages of 12 years and 18 years
7 shall not be required to be fingerprinted, but shall be
8 screened for delinquency records.

9 (4) Operators of family day care homes shall take an
10 approved 30-clock-hour introductory course in child care.
11 ~~Family day care homes licensed or registered on June 30, 1999,~~
12 ~~shall have until June 30, 2001, to comply with this course~~
13 ~~requirement, except that the department shall exempt family~~
14 ~~day care homes in this category that can demonstrate that the~~
15 ~~operator has received at least 30 hours of training. Family~~
16 ~~day care homes initially licensed or registered on or after~~
17 ~~July 1, 1999, but before October 1, 1999, shall have until~~
18 ~~October 1, 1999, to comply with the 30-clock-hour course~~
19 ~~requirement.~~ Family day care homes initially licensed or
20 registered on or after October 1, 1999, must comply with the
21 30-clock-hour course requirement before caring for children.

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

25 (6) The Florida Partnership for School Readiness
26 ~~department~~ shall prepare a brochure on family day care for
27 distribution by the agency ~~department~~ and by local licensing
28 agencies, if appropriate, to family day care homes for
29 distribution to parents utilizing such child care, and to all
30 interested persons, including physicians and other health
31 professionals; mental health professionals; school teachers or

1 other school personnel; social workers or other professional
2 child care, foster care, residential, or institutional
3 workers; and law enforcement officers. The brochure shall, at
4 a minimum, contain the following information:
5 (a) A brief description of the requirements for family
6 day care registration, training, and fingerprinting and
7 screening.
8 (b) A listing of those counties that require licensure
9 of family day care homes. Such counties shall provide an
10 addendum to the brochure that provides a brief description of
11 the licensure requirements or may provide a brochure in lieu
12 of the one described in this subsection, provided it contains
13 all the required information on licensure and the required
14 information in the subsequent paragraphs.
15 (c) A statement indicating that information about the
16 family day care home's compliance with applicable state or
17 local requirements can be obtained by telephoning the agency
18 ~~department~~ office or the office of the local licensing agency,
19 if appropriate, at a telephone number or numbers which shall
20 be affixed to the brochure.
21 (d) The statewide toll-free telephone number of the
22 central abuse hotline, together with a notice that reports of
23 suspected and actual child physical abuse, sexual abuse, and
24 neglect are received and referred for investigation by the
25 hotline.
26 (e) Any other information relating to competent child
27 care that the agency ~~department~~ or local licensing agency, if
28 preparing a separate brochure, deems would be helpful to
29 parents and other caretakers in their selection of a family
30 day care home.
31

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

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

7 (b) The number of children being served in both
8 registered and licensed family day care homes and any
9 available slots in such homes.

10 (c) The number of complaints received concerning
11 family day care, the nature of the complaints, and the
12 resolution of such complaints.

13 (d) The training activities utilized by child care
14 personnel in family day care homes for meeting the state or
15 local training requirements.

16
17 The evaluation shall be utilized by the partnership ~~department~~
18 in any administrative modifications or adjustments to be made
19 in the registration of family day care homes or in any
20 legislative requests for modifications to the system of
21 registration or to other requirements for family day care
22 homes.

23 (8) In order to inform the public of the state
24 requirement for registration of family day care homes as well
25 as the other requirements for such homes to legally operate in
26 the state, the partnership ~~department~~ shall institute a media
27 campaign to accomplish this end. Such a campaign shall
28 include, at a minimum, flyers, newspaper advertisements, radio
29 advertisements, and television advertisements.

30 (9) Notwithstanding any other state or local law or
31 ordinance, any family day care home licensed pursuant to this

1 chapter or pursuant to a county ordinance shall be charged the
2 utility rates accorded to a residential home. A licensed
3 family day care home may not be charged commercial utility
4 rates.

5 (10) The agency ~~department~~ shall, by rule, establish
6 minimum standards for family day care homes that are required
7 to be licensed by county licensing ordinance or county
8 licensing resolution or that voluntarily choose to be
9 licensed. The standards should include requirements for
10 staffing, maintenance of immunization records, minimum health
11 standards, reduced standards for the regulation of child care
12 during evening hours by municipalities and counties, and
13 enforcement of standards.

14 Section 38. Section 402.3131, Florida Statutes, is
15 renumbered as section 412.651, Florida Statutes, and amended
16 to read:

17 412.651 ~~402.3131~~ Large family child care homes.--

18 (1) Large family child care homes shall be licensed
19 under this section.

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

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

28 (c) The agency ~~department~~ may provide technical
29 assistance to counties and family day care home providers to
30 enable the counties and providers to achieve compliance with
31 minimum standards for large family child care homes.

1 (2) Child care personnel in large family child care
2 homes shall be subject to the applicable screening provisions
3 contained in ss. 412.57(2)~~402.305(2)~~and 412.574 ~~402.3055~~.
4 For purposes of screening child care personnel in large family
5 child care homes, the term "child care personnel" includes any
6 member of a large family child care home operator's family 12
7 years of age or older, or any person 12 years of age or older
8 residing with the operator in the large family child care
9 home. Members of the operator's family, or persons residing
10 with the operator, who are between the ages of 12 years and 18
11 years, inclusive, shall not be required to be fingerprinted,
12 but shall be screened for delinquency records.

13 (3) Operators of large family child care homes shall
14 take an approved 40-clock-hour introductory course in group
15 child care.

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

19 (5) The agency ~~department~~ shall, by rule, establish
20 minimum standards for large family child care homes. The
21 standards shall include, at a minimum, requirements for
22 staffing, maintenance of immunization records, minimum health
23 standards, minimum safety standards, minimum square footage,
24 and enforcement of standards.

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

29 Section 39. Section 402.3135, Florida Statutes, is
30 renumbered as section 412.652, Florida Statutes, and amended
31 to read:

1 412.652 ~~402.3135~~ Subsidized child care case management
2 program.--
3 (1) The agency ~~department~~ shall establish or contract
4 for a child care case management program for children at risk
5 of abuse or neglect participating in the subsidized child care
6 program and their families.
7 (2) The case management program staff shall perform,
8 but not be limited to, the following duties and
9 responsibilities:
10 (a) Participation in the case staffing meetings.
11 (b) Provision of technical assistance to child care
12 staff or parents on child development matters or other issues
13 related to the child.
14 ~~(c) Provision of technical assistance to Child Care~~
15 ~~Plus facilities or homes pursuant to s. 402.28.~~
16 (c)(d) Supplementation of the training efforts of the
17 agency ~~department~~ and other providers in the child care and
18 child development area.
19 (3) The agency ~~department~~ shall conduct or contract
20 for an evaluation to determine the effectiveness of this
21 program component and establish an allocation workload
22 methodology for budget development.
23 Section 40. Section 402.314, Florida Statutes, is
24 renumbered as section 412.66, Florida Statutes, and amended to
25 read:
26 412.66 ~~402.314~~ Supportive services.--The agency
27 ~~department~~ shall provide consultation services, technical
28 assistance, and inservice training, when requested and as
29 available, to operators, licensees, registrants, and
30 applicants to help improve programs, homes, and facilities for
31

1 child care, and shall work cooperatively with other
2 organizations and agencies concerned with child care.

3 Section 41. Section 402.3145, Florida Statutes, is
4 renumbered as section 412.661, Florida Statutes, and
5 subsection (1) of said section is amended to read:

6 412.661 ~~402.3145~~ Subsidized child care transportation
7 program.--

8 (1) The agency ~~department~~, pursuant to chapter 427,
9 shall establish a subsidized child care transportation system
10 for children at risk of abuse or neglect participating in the
11 subsidized child care program. Local school readiness
12 coalitions ~~The state community child care coordination~~
13 ~~agencies~~ shall contract for the provision of transportation
14 services as required by this section.

15 Section 42. Section 402.315, Florida Statutes, is
16 renumbered as section 412.67, Florida Statutes, and amended to
17 read:

18 412.67 ~~402.315~~ Funding; license fees.--

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

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

26 (3) The agency ~~department~~ shall collect a fee for any
27 license it issues for a child care facility pursuant to s.
28 412.60 ~~402.308~~. Such fee shall be \$1 per child, except that
29 the minimum fee shall be \$25 per center and the maximum fee
30 shall be \$100 per center.

31

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

3 (5) All moneys collected by the agency ~~department~~ for
4 child care licensing shall be held in a trust fund of the
5 agency ~~department~~ to be reallocated to the agency ~~department~~
6 during the following fiscal year to fund child care licensing
7 activities, including the Gold Seal Quality Care program
8 created pursuant to s. 412.553 ~~402.281~~.

9 Section 43. Section 402.316, Florida Statutes, is
10 renumbered as section 412.68, Florida Statutes, and amended to
11 read:

12 412.68 ~~402.316~~ Exemptions.--

13 (1) The provisions of ss. 412.554-412.70
14 ~~402.301-402.319~~, except for the requirements regarding
15 screening of child care personnel, shall not apply to a child
16 care facility which is an integral part of church or parochial
17 schools conducting regularly scheduled classes, courses of
18 study, or educational programs accredited by, or by a member
19 of, an organization which publishes and requires compliance
20 with its standards for health, safety, and sanitation.
21 However, such facilities shall meet minimum requirements of
22 the applicable local governing body as to health, sanitation,
23 and safety and shall meet the screening requirements pursuant
24 to ss. 412.57 ~~402.305~~ and 412.574 ~~402.3055~~. Failure by a
25 facility to comply with such screening requirements shall
26 result in the loss of the facility's exemption from licensure.

27 (2) Any county or city with state or local child care
28 licensing programs in existence on July 1, 1974, will continue
29 to license the child care facilities as covered by such
30 programs, notwithstanding the provisions of subsection (1),
31

1 until and unless the licensing agency makes a determination to
2 exempt them.

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

8 Section 44. Section 402.318, Florida Statutes, is
9 renumbered as section 412.69, Florida Statutes.

10 Section 45. Section 402.319, Florida Statutes, is
11 renumbered as section 412.70, Florida Statutes, and amended to
12 read:

13 412.70 ~~402.319~~ Penalties.--

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

17 (a) Fail, by false statement, misrepresentation,
18 impersonation, or other fraudulent means, to disclose in any
19 application for voluntary or paid employment or licensure
20 regulated under ss. 412.554-412.69 ~~402.301-402.318~~ all
21 information required under those sections or a material fact
22 used in making a determination as to such person's
23 qualifications to be child care personnel, as defined in s.
24 412.56 ~~402.302~~, in a child care facility, family day care
25 home, or other child care program.

26 (b) Operate or attempt to operate a child care
27 facility without having procured a license as required by this
28 act.

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

- 1 (d) Operate or attempt to operate a child care
2 facility or family day care home under a license that is
3 suspended, revoked, or terminated.
- 4 (e) Misrepresent, by act or omission, a child care
5 facility or family day care home to be duly licensed pursuant
6 to this act without being so licensed.
- 7 (f) Make any other misrepresentation, by act or
8 omission, regarding the licensure or operation of a child care
9 facility or family day care home to a parent or guardian who
10 has a child placed in the facility or is inquiring as to
11 placing a child in the facility, or to a representative of the
12 licensing authority, or to a representative of a law
13 enforcement agency, including, but not limited to, any
14 misrepresentation as to:
- 15 1. The number of children at the child care facility
16 or the family day care home;
- 17 2. The part of the child care facility or family day
18 care home designated for child care;
- 19 3. The qualifications or credentials of child care
20 personnel;
- 21 4. Whether a family day care home or child care
22 facility complies with the screening requirements of s. 412.57
23 ~~402.305~~; or
- 24 5. Whether child care personnel have the training as
25 required by s. 412.57 ~~402.305~~.
- 26 (2) If any child care personnel makes any
27 misrepresentation in violation of this section to a parent or
28 guardian who has placed a child in the child care facility or
29 family day care home, and the parent or guardian relied upon
30 the misrepresentation, and the child suffers great bodily
31 harm, permanent disfigurement, permanent disability, or death

1 as a result of an intentional act or negligence by the child
2 care personnel, then the child care personnel commits a felony
3 of the second degree, punishable as provided in s. 775.082, s.
4 775.083, or s. 775.084.

5 Section 46. Section 412.71, Florida Statutes, is
6 created to read:

7 412.71 Fees.--Local school readiness coalitions shall
8 be responsible for establishing fees and fee collection
9 procedures for early care and education school readiness
10 programs pursuant to s. 412.51(5)(d)3.a.

11 Section 47. Section 409.178, Florida Statutes, is
12 renumbered as section 412.72, Florida Statutes, and
13 subsections (4), (5), and (6) of said section are amended to
14 read:

15 412.72 ~~409.178~~ Child Care Executive Partnership Act;
16 findings and intent; grant; limitation; rules.--

17 (4) The Child Care Executive Partnership, staffed by
18 the Florida Partnership for School Readiness ~~department~~, shall
19 consist of a representative of the Executive Office of the
20 Governor and nine members of the corporate or child care
21 community, appointed by the Governor.

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

25 (b) The Child Care Executive Partnership shall be
26 chaired by a member chosen by a majority vote and shall meet
27 at least quarterly and at other times upon the call of the
28 chair.

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

1 (d) The Child Care Executive Partnership shall have
2 all the powers and authority, not explicitly prohibited by
3 statute, necessary to carry out and effectuate the purposes of
4 this section, as well as the functions, duties, and
5 responsibilities of the partnership, including, but not
6 limited to, the following:

7 1. Assisting in the formulation and coordination of
8 the state's child care policy.

9 2. Adopting an official seal.

10 3. Soliciting, accepting, receiving, investing, and
11 expending funds from public or private sources.

12 4. Contracting with public or private entities as
13 necessary.

14 5. Approving an annual budget.

15 6. Carrying forward any unexpended state
16 appropriations into succeeding fiscal years.

17 7. Providing a report to the Governor, the Speaker of
18 the House of Representatives, and the President of the Senate,
19 on or before December 1 of each year.

20 (5)(a) The Legislature shall annually determine the
21 amount of state or federal low-income child care moneys which
22 shall be used to create Child Care Executive Partnership
23 Program child care purchasing pools in counties chosen by the
24 Child Care Executive Partnership, provided that at least two
25 of the counties have populations of no more than 300,000. The
26 Legislature shall annually review the effectiveness of the
27 child care purchasing pool program and reevaluate the
28 percentage of additional state or federal funds, if any, that
29 can be used for the program's expansion.

30 (b) To ensure a seamless service delivery and ease of
31 access for families, the local school readiness coalitions

1 ~~community coordinated child care agencies or the state~~
2 ~~resource and referral agency~~ shall administer the child care
3 purchasing pool funds.

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

10 1. Matching the state purchasing pool funds on a
11 dollar-for-dollar basis; and

12 2. Expending only those public funds which are matched
13 by employers, local government, and other matching
14 contributors who contribute to the purchasing pool. Parents
15 shall also pay a fee, which shall be not less than the amount
16 identified in the local school readiness coalition's
17 ~~department's~~ subsidized child care sliding fee scale.

18 (d) Each local school readiness coalition ~~community~~
19 ~~coordinated child care agency~~ shall be required to establish a
20 community child care task force for each child care purchasing
21 pool. The task force must be composed of employers, parents,
22 private child care providers, and one representative each from
23 the district interagency coordinating council for children's
24 services and the local children's services council, if they
25 exist in the area of the purchasing pool. The local school
26 readiness coalition ~~community coordinated child care agency~~ is
27 expected to recruit the task force members from existing child
28 care councils, commissions, or task forces already operating
29 in the area of a purchasing pool. A majority of the task force
30 shall consist of employers. Each task force shall develop a
31 plan for the use of child care purchasing pool funds. The plan

1 must show how many children will be served by the purchasing
2 pool, how many will be new to receiving child care services,
3 and how the local school readiness coalition ~~community~~
4 ~~coordinated child care agency~~ intends to attract new employers
5 and their employees to the program.

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

9 Section 48. Effective July 1, 2001, the Partnership
10 for School Readiness is transferred by a type two transfer,
11 pursuant to s. 20.06(2), Florida Statutes, from the Executive
12 Office of the Governor to the Agency for Workforce Innovation.

13 Section 49. Effective July 1, 2001, subsidized child
14 care programs are transferred by a type two transfer, pursuant
15 to s. 20.06(2), Florida Statutes, from the Department of
16 Children and Family Services to the Agency for Workforce
17 Innovation. This transfer shall include, but not be limited
18 to, the full-time equivalent of all staff positions that
19 provide any of the following program or financial functions
20 related to the subsidized child care program: program
21 planning, policy or procedure development, rulemaking,
22 training, consultation, technical assistance, contract
23 development, contract implementation, program or financial
24 contract management, financial management, budgeting, grants
25 or revenue management, licensure, regulation, data collection
26 or analysis, and evaluation.

27 Section 50. Effective July 1, 2001, prekindergarten,
28 migrant prekindergarten, and Florida First Start programs are
29 transferred by a type two transfer, pursuant to s. 20.06(2),
30 Florida Statutes, from the Department of Education to the
31 Agency for Workforce Innovation. This transfer shall include,

1 but not be limited to, the full-time equivalent of all staff
2 positions that provide any of the following program or
3 financial functions related to the transferred programs:
4 program planning, policy or procedure development, rulemaking,
5 training, consultation, technical assistance, financial
6 management, budgeting, grants or revenue management, data
7 collection or analysis, and evaluation. Pursuant to contract,
8 staff performing program support functions specified by the
9 Florida Partnership for School Readiness shall be leased to
10 the partnership.

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

13 39.201 Mandatory reports of child abuse, abandonment,
14 or neglect; mandatory reports of death; central abuse
15 hotline.--

16 (6) Information in the central abuse hotline may not
17 be used for employment screening, except as provided in s.
18 39.202(2)(a) and (h). Information in the central abuse hotline
19 and the department's automated abuse information system may be
20 used by the department, its authorized agents or contract
21 providers, the Department of Health, or county agencies as
22 part of the licensure or registration process pursuant to ss.
23 412.554-412.70 ~~402.301-402.319~~ and ss. 409.175-409.176.

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

26 196.095 Exemption for a licensed child care facility
27 operating in an enterprise zone.--

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

1 Section 53. Paragraph (m) of subsection (5) of section
2 212.08, Florida Statutes, is amended to read:

3 212.08 Sales, rental, use, consumption, distribution,
4 and storage tax; specified exemptions.--The sale at retail,
5 the rental, the use, the consumption, the distribution, and
6 the storage to be used or consumed in this state of the
7 following are hereby specifically exempt from the tax imposed
8 by this chapter.

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

10 (m) Educational materials purchased by certain child
11 care facilities.--Educational materials, such as glue, paper,
12 paints, crayons, unique craft items, scissors, books, and
13 educational toys, purchased by a child care facility that
14 meets the standards delineated in s. 412.57 ~~402.305~~, is
15 licensed under s. 412.60 ~~402.308~~, holds a current Gold Seal
16 Quality Care designation pursuant to s. 412.553 ~~402.281~~, and
17 provides basic health insurance to all employees are exempt
18 from the taxes imposed by this chapter. For purposes of this
19 paragraph, the term "basic health insurance" shall be defined
20 and promulgated in rules developed jointly by the Department
21 of Children and Family Services, the Agency for Health Care
22 Administration, and the Department of Insurance.

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

25 220.03 Definitions.--

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

30 (cc) "Child care facility startup costs" means
31 expenditures for substantial renovation, equipment, including

1 playground equipment and kitchen appliances and cooking
2 equipment, real property, including land and improvements, and
3 for reduction of debt, made in connection with a child care
4 facility as defined by s. 412.56 ~~402.302~~, or any facility
5 providing daily care to children who are mildly ill, which is
6 located in this state on the taxpayer's premises and used by
7 the employees of the taxpayer.

8 (dd) "Operation of a child care facility" means
9 operation of a child care facility as defined by s. 412.56
10 ~~402.302~~, or any facility providing daily care to children who
11 are mildly ill, which is located in this state within 5 miles
12 of at least one place of business of the taxpayer and which is
13 used by the employees of the taxpayer.

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

17 220.19 Child care tax credits.--

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

19 (a)1. A credit of 50 percent of the startup costs of
20 child care facilities operated by a corporation for its
21 employees is allowed against any tax due for a taxable year
22 under this chapter. A credit against such tax is also allowed
23 for the operation of a child care facility by a corporation
24 for its employees, which credit is in the amount of \$50 per
25 month for each child enrolled in the facility.

26 2. A credit is allowed against any tax due for a
27 taxable year under this chapter for any taxpayer that makes
28 payments directly to a child care facility as defined by s.
29 412.56 ~~402.302~~ which is licensed in accordance with s. 412.57
30 ~~402.305~~, or to any facility providing daily care to children
31 who are mildly ill, which payments are made in the name of and

1 for the benefit of an employee of the taxpayer in this state
2 whose child attends the child care facility during the
3 employee's working hours. The credit shall be an amount equal
4 to 50 percent of the amount of such child care payments.

5 (2) ELIGIBILITY REQUIREMENTS.--

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

11 (4) ADMINISTRATION.--

12 (c) All approvals for the granting of the tax credit
13 require prior verification by the Department of Children and
14 Family Services or local licensing agency that the corporation
15 meets the licensure requirements as defined in s. 412.56
16 ~~402.302~~ and is currently licensed in accordance with s. 412.57
17 ~~402.305~~, or is a facility providing daily care to children who
18 are mildly ill.

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

21 228.061 Other public schools; preschool programs,
22 prekindergarten early intervention programs, school-age child
23 care programs, special schools and courses.--The public
24 schools of Florida may, in addition to the schools prescribed
25 in s. 228.051, include preschool programs, prekindergarten
26 early intervention programs, school-age child care programs,
27 special schools, and courses and classes as authorized below:

28 (1) PRESCHOOL PROGRAMS.--Preschool programs shall
29 comprise classes for children who have attained the ages
30 prescribed by s. 232.01 and may be established at the
31 discretion of the school board. Such programs or classes

1 shall be supported and maintained from district taxes, from
2 such funds supplemented by tuition charges, or from funds from
3 federal or other lawful sources, exclusive of state sources;
4 however, state funds may be used to support prekindergarten
5 early intervention programs pursuant to s. 412.53 ~~230.2305~~.

6 Section 57. Paragraph (d) of subsection (3) of section
7 229.808, Florida Statutes, is amended to read:

8 229.808 Annual nonpublic school survey.--

9 (3)

10 (d) Owners or employees of nonpublic schools who have
11 been fingerprinted pursuant to this subsection, s. 231.02, s.
12 412.561 ~~402.3025~~, or s. 412.574 ~~402.3055~~ shall not be required
13 to be refingerprinted if they have not been unemployed or
14 unassociated with a nonpublic school or child care facility
15 for more than 90 days.

16 Section 58. Paragraph (a) of subsection (1) of section
17 232.01, Florida Statutes, is amended to read:

18 232.01 School attendance.--

19 (1)(a)1. All children who have attained the age of 6
20 years or who will have attained the age of 6 years by February
21 1 of any school year or who are older than 6 years of age but
22 who have not attained the age of 16 years, except as
23 hereinafter provided, are required to attend school regularly
24 during the entire school term.

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

29 3. Children who will have attained the age of 3 years
30 on or before September 1 of the school year are eligible for
31 admission to prekindergarten early intervention programs

1 during that school year as provided in s. 412.53 ~~230.2305~~ or a
2 preschool program as provided in s. 228.061.

3 Section 59. Paragraph (a) of subsection (2) of section
4 381.0072, Florida Statutes, is amended to read:

5 381.0072 Food service protection.--It shall be the
6 duty of the Department of Health to adopt and enforce
7 sanitation rules consistent with law to ensure the protection
8 of the public from food-borne illness. These rules shall
9 provide the standards and requirements for the storage,
10 preparation, serving, or display of food in food service
11 establishments as defined in this section and which are not
12 permitted or licensed under chapter 500 or chapter 509.

13 (2) DUTIES.--

14 (a) The department shall adopt rules, including
15 definitions of terms which are consistent with law prescribing
16 minimum sanitation standards and manager certification
17 requirements as prescribed in s. 509.039, and which shall be
18 enforced in food service establishments as defined in this
19 section. The sanitation standards must address the
20 construction, operation, and maintenance of the establishment;
21 lighting, ventilation, laundry rooms, lockers, use and storage
22 of toxic materials and cleaning compounds, and first-aid
23 supplies; plan review; design, construction, installation,
24 location, maintenance, sanitation, and storage of food
25 equipment and utensils; employee training, health, hygiene,
26 and work practices; food supplies, preparation, storage,
27 transportation, and service, including access to the areas
28 where food is stored or prepared; and sanitary facilities and
29 controls, including water supply and sewage disposal; plumbing
30 and toilet facilities; garbage and refuse collection, storage,
31 and disposal; and vermin control. Public and private schools,

1 hospitals licensed under chapter 395, nursing homes licensed
2 under part II of chapter 400, child care facilities as defined
3 in s. 412.554 ~~402.301~~, and residential facilities colocated
4 with a nursing home or hospital if all food is prepared in a
5 central kitchen that complies with nursing or hospital
6 regulations shall be exempt from the rules developed for
7 manager certification. The department shall administer a
8 comprehensive inspection, monitoring, and sampling program to
9 ensure such standards are maintained. With respect to food
10 service establishments permitted or licensed under chapter 500
11 or chapter 509, the department shall assist the Division of
12 Hotels and Restaurants of the Department of Business and
13 Professional Regulation and the Department of Agriculture and
14 Consumer Services with rulemaking by providing technical
15 information.

16 Section 60. Section 393.0657, Florida Statutes, is
17 amended to read:

18 393.0657 Persons not required to be refingerprinted or
19 rescreened.--Any provision of law to the contrary
20 notwithstanding, human resource personnel who have been
21 fingerprinted or screened pursuant to chapters 393, 394, 397,
22 ~~402,~~ and 409, and 412, and teachers who have been
23 fingerprinted pursuant to chapter 231, who have not been
24 unemployed for more than 90 days thereafter, and who under the
25 penalty of perjury attest to the completion of such
26 fingerprinting or screening and to compliance with the
27 provisions of this section and the standards for good moral
28 character as contained in such provisions as ss. 110.1127(3),
29 393.0655(1), 394.457(6), 397.451, 412.57(2)~~402.305(2)~~, and
30 409.175(4), shall not be required to be refingerprinted or
31

1 rescreened in order to comply with any direct service provider
2 screening or fingerprinting requirements.

3 Section 61. Paragraph (b) of subsection (2) of section
4 400.906, Florida Statutes, is amended to read:

5 400.906 Initial application for license.--

6 (2) The application shall be under oath and shall
7 contain the following:

8 (b) Information which provides a source to establish
9 the suitable character and competency of the applicant in
10 accordance with the provisions of s. 412.57(2)~~402.305(2)~~and,
11 if applicable, of the owner or operator, including the name
12 and address of any licensed facility with which the applicant
13 or owner or operator has been affiliated through ownership or
14 employment within 5 years of the date of the application for a
15 license.

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

18 400.953 Background screening of home medical equipment
19 provider personnel.--The agency shall require employment
20 screening as provided in chapter 435, using the level 1
21 standards for screening set forth in that chapter, for home
22 medical equipment provider personnel.

23 (3) Proof of compliance with the screening
24 requirements of s. 110.1127, s. 393.0655, s. 394.4572, s.
25 397.451, s. 412.57 ~~402.305~~, s. 412.65 ~~402.313~~, s. 409.175, s.
26 464.008, or s. 985.407 or this part must be accepted in lieu
27 of the requirements of this section if the person has been
28 continuously employed in the same type of occupation for which
29 he or she is seeking employment without a breach in service
30 that exceeds 180 days, the proof of compliance is not more
31 than 2 years old, and the person has been screened by the

1 Department of Law Enforcement. An employer or contractor shall
2 directly provide proof of compliance to another employer or
3 contractor, and a potential employer or contractor may not
4 accept any proof of compliance directly from the person
5 requiring screening. Proof of compliance with the screening
6 requirements of this section shall be provided, upon request,
7 to the person screened by the home medical equipment provider.

8 Section 63. Paragraph (a) of subsection (2) of section
9 402.164, Florida Statutes, is amended to read:

10 402.164 Legislative intent; definitions.--

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

12 (a) "Client" means a client as defined in s. 393.063,
13 s. 394.67, s. 397.311, or s. 400.960, a forensic client or
14 client as defined in s. 916.106, a child or youth as defined
15 in s. 39.01, a child as defined in s. 827.01, a family as
16 defined in s. 414.0252, a participant as defined in s.
17 400.551, a resident as defined in s. 400.402, a Medicaid
18 recipient or recipient as defined in s. 409.901, a child
19 receiving childcare as defined in s. 412.56 ~~402.302~~, a
20 disabled adult as defined in s. 410.032 or s. 410.603, or a
21 victim as defined in s. 39.01 or s. 415.102 as each definition
22 applies within its respective chapter.

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

25 402.26 Child care; legislative intent.--

26 (6) It is the intent of the Legislature that a child
27 care facility licensed pursuant to s. 412.57 ~~402.305~~ or a
28 child care facility exempt from licensing pursuant to s.
29 412.68 ~~402.316~~, that achieves Gold Seal Quality status
30 pursuant to s. 412.553 ~~402.281~~, be considered an educational
31

1 institution for the purpose of qualifying for exemption from
2 ad valorem tax pursuant to s. 196.198.

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

5 402.45 Community resource mother or father program.--

6 (2) No later than January 1, 1990, the department
7 shall have community resource mother or father programs
8 operational in some counties with high incidences of medically
9 underserved high-risk children, low birthweight babies, and
10 infant mortality. The programs shall be established in areas
11 where the Florida First Start Program established under s.
12 412.52 ~~230.2303~~ is not operational or is not able to serve the
13 entire population needs in a community.

14 Section 66. Paragraph (b) of subsection (5) of section
15 409.1671, Florida Statutes, is amended to read:

16 409.1671 Foster care and related services;
17 privatization.--

18 (5)

19 (b) Substitute care providers who are licensed under
20 s. 409.175 and have contracted with a lead agency authorized
21 under this section shall also be authorized to provide
22 registered or licensed family day care under s. 412.65
23 ~~402.313~~, if consistent with federal law and if the home has
24 met:

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

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

28 Section 67. Section 409.1757, Florida Statutes, is
29 amended to read:

30 409.1757 Persons not required to be refingerprinted or
31 rescreened.--Any provision of law to the contrary

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

14 Section 68. Section 411.011, Florida Statutes, is
15 amended to read:

16 411.011 Records of children in school readiness
17 programs.--The individual records of children enrolled in
18 school readiness programs provided under s. 412.51 ~~411.01~~,
19 when held in the possession of the school readiness coalition
20 or the Florida Partnership for School Readiness, are
21 confidential and exempt from the provisions of s. 119.07 and
22 s. 24(a), Art. I of the State Constitution. For the purposes
23 of this section, records include assessment data, health data,
24 records of teacher observations, and identifying data,
25 including the child's social security number. A parent,
26 guardian, or individual acting as a parent in the absence of a
27 parent or guardian has the right to inspect and review the
28 individual school readiness program record of his or her child
29 and to obtain a copy of the record. School readiness records
30 may be released to the United States Secretary of Education,
31 the United States Secretary of Health and Human Services, and

1 the Comptroller General of the United States for the purpose
2 of federal audits; to individuals or organizations conducting
3 studies for institutions to develop, validate, or administer
4 assessments or improve instruction; to accrediting
5 organizations in order to carry out their accrediting
6 functions; to appropriate parties in connection with an
7 emergency if the information is necessary to protect the
8 health or safety of the student or other individuals; to the
9 Auditor General in connection with his or her official
10 functions; to a court of competent jurisdiction in compliance
11 with an order of that court pursuant to a lawfully issued
12 subpoena; and to parties to an interagency agreement among
13 school readiness coalitions, local governmental agencies,
14 providers of school readiness programs, state agencies, and
15 the Florida Partnership for School Readiness for the purpose
16 of implementing the school readiness program. Agencies,
17 organizations, or individuals that receive school readiness
18 records in order to carry out their official functions must
19 protect the data in a manner that will not permit the personal
20 identification of students and their parents by persons other
21 than those authorized to receive the records. This section is
22 subject to the Open Government Sunset Review Act of 1995 in
23 accordance with s. 119.15 and shall stand repealed on October
24 2, 2005, unless reviewed and saved from repeal through
25 reenactment by the Legislature.

26 Section 69. Paragraph (f) of subsection (8) of section
27 411.203, Florida Statutes, is amended to read:

28 411.203 Continuum of comprehensive services.--The
29 Department of Education and the Department of Health and
30 Rehabilitative Services shall utilize the continuum of
31 prevention and early assistance services for high-risk

1 pregnant women and for high-risk and handicapped children and
2 their families, as outlined in this section, as a basis for
3 the intraagency and interagency program coordination,
4 monitoring, and analysis required in this chapter. The
5 continuum shall be the guide for the comprehensive statewide
6 approach for services for high-risk pregnant women and for
7 high-risk and handicapped children and their families, and may
8 be expanded or reduced as necessary for the enhancement of
9 those services. Expansion or reduction of the continuum shall
10 be determined by intraagency or interagency findings and
11 agreement, whichever is applicable. Implementation of the
12 continuum shall be based upon applicable eligibility criteria,
13 availability of resources, and interagency prioritization when
14 programs impact both agencies, or upon single agency
15 prioritization when programs impact only one agency. The
16 continuum shall include, but not be limited to:

17 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND
18 PARENTS OF HIGH-RISK CHILDREN.--

19 (f) Parent support groups, such as the community
20 resource mother or father program as established in s. 402.45,
21 the Florida First Start Program as established in s. 412.52
22 ~~230-2303~~, or parents as first teachers, to strengthen families
23 and to enable families of high-risk children to better meet
24 their needs.

25 Section 70. Paragraphs (b) and (c) of subsection (1)
26 and subsection (4) of section 445.023, Florida Statutes, are
27 amended to read:

28 445.023 Program for dependent care for families with
29 children with special needs.--

30 (1) There is created the program for dependent care
31 for families with children with special needs. This program

1 is intended to provide assistance to families with children
2 who meet the following requirements:

3 (b) The child or children are considered to be
4 children with special needs as defined by the subsidized child
5 care program authorized under s. 412.555 ~~402.3015~~.

6 (c) The family meets the income guidelines established
7 under s. 412.555 ~~402.3015~~. Financial eligibility for this
8 program shall be based solely on the guidelines used for
9 subsidized child care, notwithstanding any financial
10 eligibility criteria to the contrary in s. 414.075, s.
11 414.085, or s. 414.095.

12 (4) In addition to child care services provided under
13 s. 412.555 ~~402.3015~~, dependent care may be provided for
14 children age 13 years and older who are in need of care due to
15 disability and where such care is needed for the parent to
16 accept or continue employment or otherwise participate in work
17 activities. The amount of subsidy shall be consistent with the
18 rates for special needs child care established by the
19 department. Dependent care needed for employment may be
20 provided as transitional services for up to 2 years after
21 eligibility for temporary cash assistance ends.

22 Section 71. Paragraphs (a) and (b) of subsection (1),
23 paragraph (a) of subsection (2), paragraph (a) of subsection
24 (3), and paragraph (c) of subsection (5) of section 624.5107,
25 Florida Statutes, are amended to read:

26 624.5107 Child care tax credits; definitions;
27 authorization; limitations; eligibility and application
28 requirements; administration; expiration.--

29 (1) DEFINITIONS.--As used in this section:

30 (a) "Child care facility startup costs" means
31 expenditures for substantial renovation, equipment, including

1 playground equipment and kitchen appliances and cooking
2 equipment, real property, including land and improvements, and
3 for reduction of debt, made in connection with the
4 establishment of a child care facility as defined by s. 412.56
5 ~~402.302~~, or any facility providing daily care to children who
6 are mildly ill, which is located in this state on the
7 insurer's premises and used by the employees of the insurer.

8 (b) "Operation of a child care facility" means
9 operation of a child care facility as defined by s. 412.56
10 ~~402.302~~, or any facility providing daily care to children who
11 are mildly ill, which is located in this state within 5 miles
12 of at least one place of business of the insurer and which is
13 used by the employees of the insurer.

14 (2) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

15 (a)1. A credit of 50 percent of the startup costs of
16 child care facilities operated by an insurer for its employees
17 is allowed against any tax due for a taxable year under s.
18 624.509 or s. 624.510. A credit against such tax is also
19 allowed for the operation of a child care facility by an
20 insurer for its employees, which credit is in the amount of
21 \$50 per month for each child enrolled in the facility.

22 2. A credit is allowed against any tax due for a
23 taxable year under s. 624.509 or s. 624.510 for any insurer
24 that makes payments directly to a child care facility as
25 defined by s. 412.56 ~~402.302~~ which is licensed in accordance
26 with s. 412.57 ~~402.305~~, or to any facility providing daily
27 care to children who are mildly ill, which payments are made
28 in the name of and for the benefit of an employee of the
29 insurer in this state whose child attends the child care
30 facility during the employee's working hours. The credit
31

1 shall be an amount equal to 50 percent of the amount of such
2 child care payments.

3 (3) ELIGIBILITY REQUIREMENTS.--

4 (a) A child care facility with respect to which an
5 insurer claims a child care tax credit must be a child care
6 facility as defined by s. 412.56 ~~402.302~~ and must be licensed
7 in accordance with s. 412.57 ~~402.305~~, or must be a facility
8 providing daily care to children who are mildly ill.

9 (5) ADMINISTRATION.--

10 (c) All approvals for the granting of the tax credit
11 require prior verification by the Department of Children and
12 Family Services or local licensing agency that the insurer
13 meets the licensure requirements as defined in s. 412.56
14 ~~402.302~~ and is currently licensed in accordance with s. 412.57
15 ~~402.305~~, or is a facility providing daily care to children who
16 are mildly ill.

17 Section 72. Paragraphs (a) and (c) of subsection (4)
18 of section 627.70161, Florida Statutes, are amended to read:

19 627.70161 Family day care insurance.--

20 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW

21 PROHIBITED.--An insurer may not deny, cancel, or refuse to
22 renew a policy for residential property insurance solely on
23 the basis that the policyholder or applicant operates a family
24 day care home. In addition to other lawful reasons for
25 refusing to insure, an insurer may deny, cancel, or refuse to
26 renew a policy of a family day care home provider if one or
27 more of the following conditions occur:

28 (a) The policyholder or applicant provides care for
29 more children than authorized for family day care homes by s.
30 412.56 ~~402.302~~;

31

1 (c) The policyholder or applicant fails to comply with
2 the family day care home licensure and registration
3 requirements specified in s. 412.65 ~~402.313~~; or
4 Section 73. Paragraph (c) of subsection (1) of section
5 893.13, Florida Statutes, is amended to read:
6 893.13 Prohibited acts; penalties.--
7 (1)
8 (c) Except as authorized by this chapter, it is
9 unlawful for any person to sell, manufacture, or deliver, or
10 possess with intent to sell, manufacture, or deliver a
11 controlled substance in, on, or within 1,000 feet of the real
12 property comprising a child care facility as defined in s.
13 412.56 ~~402.302~~ or a public or private elementary, middle, or
14 secondary school between the hours of 6 a.m. and 12 a.m. Any
15 person who violates this paragraph with respect to:
16 1. A controlled substance named or described in s.
17 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
18 commits a felony of the first degree, punishable as provided
19 in s. 775.082, s. 775.083, or s. 775.084. The defendant must
20 be sentenced to a minimum term of imprisonment of 3 calendar
21 years unless the offense was committed within 1,000 feet of
22 the real property comprising a child care facility as defined
23 in s. 412.56 ~~402.302~~.
24 2. A controlled substance named or described in s.
25 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
26 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a
27 felony of the second degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084.
29 3. Any other controlled substance, except as lawfully
30 sold, manufactured, or delivered, must be sentenced to pay a
31

1 \$500 fine and to serve 100 hours of public service in addition
2 to any other penalty prescribed by law.

3
4 This paragraph does not apply to a child care facility unless
5 the owner or operator of the facility posts a sign that is not
6 less than 2 square feet in size with a word legend identifying
7 the facility as a licensed child care facility and that is
8 posted on the property of the child care facility in a
9 conspicuous place where the sign is reasonably visible to the
10 public.

11 Section 74. Paragraph (g) of subsection (3) of section
12 921.0022, Florida Statutes, is amended to read:

13 921.0022 Criminal Punishment Code; offense severity
14 ranking chart.--

15 (3) OFFENSE SEVERITY RANKING CHART

16	17 Florida	18 Statute	19 Felony	20 Degree	21 Description
22					(g) LEVEL 7
23		316.193(3)(c)2.		3rd	DUI resulting in serious bodily injury.
24		327.35(3)(c)2.		3rd	Vessel BUI resulting in serious bodily injury.
25		<u>412.70(2)</u> 402.319(2)		2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
26					
27					
28					
29					
30		409.920(2)		3rd	Medicaid provider fraud.
31					

1	456.065(2)	3rd	Practicing a health care
2			profession without a license.
3	456.065(2)	2nd	Practicing a health care
4			profession without a license
5			which results in serious bodily
6			injury.
7	458.327(1)	3rd	Practicing medicine without a
8			license.
9	459.013(1)	3rd	Practicing osteopathic medicine
10			without a license.
11	460.411(1)	3rd	Practicing chiropractic medicine
12			without a license.
13	461.012(1)	3rd	Practicing podiatric medicine
14			without a license.
15	462.17	3rd	Practicing naturopathy without a
16			license.
17	463.015(1)	3rd	Practicing optometry without a
18			license.
19	464.016(1)	3rd	Practicing nursing without a
20			license.
21	465.015(2)	3rd	Practicing pharmacy without a
22			license.
23	466.026(1)	3rd	Practicing dentistry or dental
24			hygiene without a license.
25	467.201	3rd	Practicing midwifery without a
26			license.
27	468.366	3rd	Delivering respiratory care
28			services without a license.
29	483.828(1)	3rd	Practicing as clinical laboratory
30			personnel without a license.
31			

1	483.901(9)	3rd	Practicing medical physics
2			without a license.
3	484.053	3rd	Dispensing hearing aids without a
4			license.
5	494.0018(2)	1st	Conviction of any violation of
6			ss. 494.001-494.0077 in which the
7			total money and property
8			unlawfully obtained exceeded
9			\$50,000 and there were five or
10			more victims.
11	560.123(8)(b)1.	3rd	Failure to report currency or
12			payment instruments exceeding
13			\$300 but less than \$20,000 by
14			money transmitter.
15	560.125(5)(a)	3rd	Money transmitter business by
16			unauthorized person, currency or
17			payment instruments exceeding
18			\$300 but less than \$20,000.
19	655.50(10)(b)1.	3rd	Failure to report financial
20			transactions exceeding \$300 but
21			less than \$20,000 by financial
22			institution.
23	782.051(3)	2nd	Attempted felony murder of a
24			person by a person other than the
25			perpetrator or the perpetrator of
26			an attempted felony.
27	782.07(1)	2nd	Killing of a human being by the
28			act, procurement, or culpable
29			negligence of another
30			(manslaughter).
31			

1	782.071	2nd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	2nd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.07(2)(d)	1st	Aggravated battery on law
19			enforcement officer.
20	784.08(2)(a)	1st	Aggravated battery on a person 65
21			years of age or older.
22	784.081(1)	1st	Aggravated battery on specified
23			official or employee.
24	784.082(1)	1st	Aggravated battery by detained
25			person on visitor or other
26			detainee.
27	784.083(1)	1st	Aggravated battery on code
28			inspector.
29	790.07(4)	1st	Specified weapons violation
30			subsequent to previous conviction
31			of s. 790.07(1) or (2).

1	790.16(1)	1st	Discharge of a machine gun under
2			specified circumstances.
3	790.166(3)	2nd	Possessing, selling, using, or
4			attempting to use a hoax weapon
5			of mass destruction.
6	796.03	2nd	Procuring any person under 16
7			years for prostitution.
8	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
9			victim less than 12 years of age;
10			offender less than 18 years.
11	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
12			victim 12 years of age or older
13			but less than 16 years; offender
14			18 years or older.
15	806.01(2)	2nd	Maliciously damage structure by
16			fire or explosive.
17	810.02(3)(a)	2nd	Burglary of occupied dwelling;
18			unarmed; no assault or battery.
19	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
20			unarmed; no assault or battery.
21	810.02(3)(d)	2nd	Burglary of occupied conveyance;
22			unarmed; no assault or battery.
23	812.014(2)(a)	1st	Property stolen, valued at
24			\$100,000 or more; property stolen
25			while causing other property
26			damage; 1st degree grand theft.
27	812.019(2)	1st	Stolen property; initiates,
28			organizes, plans, etc., the theft
29			of property and traffics in
30			stolen property.
31	812.131(2)(a)	2nd	Robbery by sudden snatching.

1	812.133(2)(b)	1st	Carjacking; no firearm, deadly
2			weapon, or other weapon.
3	825.102(3)(b)	2nd	Neglecting an elderly person or
4			disabled adult causing great
5			bodily harm, disability, or
6			disfigurement.
7	825.1025(2)	2nd	Lewd or lascivious battery upon
8			an elderly person or disabled
9			adult.
10	825.103(2)(b)	2nd	Exploiting an elderly person or
11			disabled adult and property is
12			valued at \$20,000 or more, but
13			less than \$100,000.
14	827.03(3)(b)	2nd	Neglect of a child causing great
15			bodily harm, disability, or
16			disfigurement.
17	827.04(3)	3rd	Impregnation of a child under 16
18			years of age by person 21 years
19			of age or older.
20	837.05(2)	3rd	Giving false information about
21			alleged capital felony to a law
22			enforcement officer.
23	872.06	2nd	Abuse of a dead human body.
24	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
25			cocaine (or other drug prohibited
26			under s. 893.03(1)(a), (1)(b),
27			(1)(d), (2)(a), (2)(b), or
28			(2)(c)4.) within 1,000 feet of a
29			child care facility or school.
30			
31			

1	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
2			cocaine or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), (2)(b), or
5			(2)(c)4., within 1,000 feet of
6			property used for religious
7			services or a specified business
8			site.
9	893.13(4)(a)	1st	Deliver to minor cocaine (or
10			other s. 893.03(1)(a), (1)(b),
11			(1)(d), (2)(a), (2)(b), or
12			(2)(c)4. drugs).
13	893.135(1)(a)1.	1st	Trafficking in cannabis, more
14			than 50 lbs., less than 2,000
15			lbs.
16	893.135		
17	(1)(b)1.a.	1st	Trafficking in cocaine, more than
18			28 grams, less than 200 grams.
19	893.135		
20	(1)(c)1.a.	1st	Trafficking in illegal drugs,
21			more than 4 grams, less than 14
22			grams.
23	893.135		
24	(1)(d)1.	1st	Trafficking in phencyclidine,
25			more than 28 grams, less than 200
26			grams.
27	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
28			than 200 grams, less than 5
29			kilograms.
30			
31			

1	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
2			than 14 grams, less than 28
3			grams.
4	893.135		
5	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
6			grams or more, less than 14
7			grams.
8	893.135		
9	(1)(h)1.a.	1st	Trafficking in
10			gamma-hydroxybutyric acid (GHB),
11			1 kilogram or more, less than 5
12			kilograms.
13	893.135		
14	(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1
15			kilogram or more, less than 5
16			kilograms.
17	893.135		
18	(1)(j)2.a.	1st	Trafficking in Phenethylamines,
19			10 grams or more, less than 200
20			grams.
21	896.101(5)(a)	3rd	Money laundering, financial
22			transactions exceeding \$300 but
23			less than \$20,000.
24	896.104(4)(a)1.	3rd	Structuring transactions to evade
25			reporting or registration
26			requirements, financial
27			transactions exceeding \$300 but
28			less than \$20,000.
29	Section 75. Paragraph (a) of subsection (4) of section		
30	943.0585, Florida Statutes, is amended to read:		
31			

1 943.0585 Court-ordered expunction of criminal history
2 records.--The courts of this state have jurisdiction over
3 their own procedures, including the maintenance, expunction,
4 and correction of judicial records containing criminal history
5 information to the extent such procedures are not inconsistent
6 with the conditions, responsibilities, and duties established
7 by this section. Any court of competent jurisdiction may
8 order a criminal justice agency to expunge the criminal
9 history record of a minor or an adult who complies with the
10 requirements of this section. The court shall not order a
11 criminal justice agency to expunge a criminal history record
12 until the person seeking to expunge a criminal history record
13 has applied for and received a certificate of eligibility for
14 expunction pursuant to subsection (2). A criminal history
15 record that relates to a violation of chapter 794, s. 800.04,
16 s. 817.034, s. 827.071, chapter 839, s. 893.135, or a
17 violation enumerated in s. 907.041 may not be expunged,
18 without regard to whether adjudication was withheld, if the
19 defendant was found guilty of or pled guilty or nolo
20 contendere to the offense, or if the defendant, as a minor,
21 was found to have committed, or pled guilty or nolo contendere
22 to committing, the offense as a delinquent act. The court may
23 only order expunction of a criminal history record pertaining
24 to one arrest or one incident of alleged criminal activity,
25 except as provided in this section. The court may, at its sole
26 discretion, order the expunction of a criminal history record
27 pertaining to more than one arrest if the additional arrests
28 directly relate to the original arrest. If the court intends
29 to order the expunction of records pertaining to such
30 additional arrests, such intent must be specified in the
31 order. A criminal justice agency may not expunge any record

1 | pertaining to such additional arrests if the order to expunge
2 | does not articulate the intention of the court to expunge a
3 | record pertaining to more than one arrest. This section does
4 | not prevent the court from ordering the expunction of only a
5 | portion of a criminal history record pertaining to one arrest
6 | or one incident of alleged criminal activity. Notwithstanding
7 | any law to the contrary, a criminal justice agency may comply
8 | with laws, court orders, and official requests of other
9 | jurisdictions relating to expunction, correction, or
10 | confidential handling of criminal history records or
11 | information derived therefrom. This section does not confer
12 | any right to the expunction of any criminal history record,
13 | and any request for expunction of a criminal history record
14 | may be denied at the sole discretion of the court.

15 | (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
16 | criminal history record of a minor or an adult which is
17 | ordered expunged by a court of competent jurisdiction pursuant
18 | to this section must be physically destroyed or obliterated by
19 | any criminal justice agency having custody of such record;
20 | except that any criminal history record in the custody of the
21 | department must be retained in all cases. A criminal history
22 | record ordered expunged that is retained by the department is
23 | confidential and exempt from the provisions of s. 119.07(1)
24 | and s. 24(a), Art. I of the State Constitution and not
25 | available to any person or entity except upon order of a court
26 | of competent jurisdiction. A criminal justice agency may
27 | retain a notation indicating compliance with an order to
28 | expunge.

29 | (a) The person who is the subject of a criminal
30 | history record that is expunged under this section or under
31 | other provisions of law, including former s. 893.14, former s.

1 901.33, and former s. 943.058, may lawfully deny or fail to
2 acknowledge the arrests covered by the expunged record, except
3 when the subject of the record:

- 4 1. Is a candidate for employment with a criminal
5 justice agency;
- 6 2. Is a defendant in a criminal prosecution;
- 7 3. Concurrently or subsequently petitions for relief
8 under this section or s. 943.059;
- 9 4. Is a candidate for admission to The Florida Bar;
- 10 5. Is seeking to be employed or licensed by or to
11 contract with the Department of Children and Family Services
12 or the Department of Juvenile Justice or to be employed or
13 used by such contractor or licensee in a sensitive position
14 having direct contact with children, the developmentally
15 disabled, the aged, or the elderly as provided in s.
16 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
17 412.56(4)~~402.302(3)~~, s. 412.65(3)~~402.313(3)~~, s.
18 409.175(2)(i), s. 415.102(4), s. 985.407, or chapter 400; or
- 19 6. Is seeking to be employed or licensed by the Office
20 of Teacher Education, Certification, Staff Development, and
21 Professional Practices of the Department of Education, any
22 district school board, or any local governmental entity that
23 licenses child care facilities.

24 Section 76. Paragraph (a) of subsection (4) of section
25 943.059, Florida Statutes, is amended to read:

26 943.059 Court-ordered sealing of criminal history
27 records.--The courts of this state shall continue to have
28 jurisdiction over their own procedures, including the
29 maintenance, sealing, and correction of judicial records
30 containing criminal history information to the extent such
31 procedures are not inconsistent with the conditions,

1 responsibilities, and duties established by this section. Any
2 court of competent jurisdiction may order a criminal justice
3 agency to seal the criminal history record of a minor or an
4 adult who complies with the requirements of this section. The
5 court shall not order a criminal justice agency to seal a
6 criminal history record until the person seeking to seal a
7 criminal history record has applied for and received a
8 certificate of eligibility for sealing pursuant to subsection
9 (2). A criminal history record that relates to a violation of
10 chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839,
11 s. 893.135, or a violation enumerated in s. 907.041 may not be
12 sealed, without regard to whether adjudication was withheld,
13 if the defendant was found guilty of or pled guilty or nolo
14 contendere to the offense, or if the defendant, as a minor,
15 was found to have committed or pled guilty or nolo contendere
16 to committing the offense as a delinquent act. The court may
17 only order sealing of a criminal history record pertaining to
18 one arrest or one incident of alleged criminal activity,
19 except as provided in this section. The court may, at its sole
20 discretion, order the sealing of a criminal history record
21 pertaining to more than one arrest if the additional arrests
22 directly relate to the original arrest. If the court intends
23 to order the sealing of records pertaining to such additional
24 arrests, such intent must be specified in the order. A
25 criminal justice agency may not seal any record pertaining to
26 such additional arrests if the order to seal does not
27 articulate the intention of the court to seal records
28 pertaining to more than one arrest. This section does not
29 prevent the court from ordering the sealing of only a portion
30 of a criminal history record pertaining to one arrest or one
31 incident of alleged criminal activity. Notwithstanding any law

1 to the contrary, a criminal justice agency may comply with
2 laws, court orders, and official requests of other
3 jurisdictions relating to sealing, correction, or confidential
4 handling of criminal history records or information derived
5 therefrom. This section does not confer any right to the
6 sealing of any criminal history record, and any request for
7 sealing a criminal history record may be denied at the sole
8 discretion of the court.

9 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A
10 criminal history record of a minor or an adult which is
11 ordered sealed by a court of competent jurisdiction pursuant
12 to this section is confidential and exempt from the provisions
13 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution
14 and is available only to the person who is the subject of the
15 record, to the subject's attorney, to criminal justice
16 agencies for their respective criminal justice purposes, or to
17 those entities set forth in subparagraphs (a)1., 4., 5., and
18 6. for their respective licensing and employment purposes.

19 (a) The subject of a criminal history record sealed
20 under this section or under other provisions of law, including
21 former s. 893.14, former s. 901.33, and former s. 943.058, may
22 lawfully deny or fail to acknowledge the arrests covered by
23 the sealed record, except when the subject of the record:

- 24 1. Is a candidate for employment with a criminal
25 justice agency;
- 26 2. Is a defendant in a criminal prosecution;
- 27 3. Concurrently or subsequently petitions for relief
28 under this section or s. 943.0585;
- 29 4. Is a candidate for admission to The Florida Bar;
- 30 5. Is seeking to be employed or licensed by or to
31 contract with the Department of Children and Family Services

1 or the Department of Juvenile Justice or to be employed or
2 used by such contractor or licensee in a sensitive position
3 having direct contact with children, the developmentally
4 disabled, the aged, or the elderly as provided in s.
5 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
6 412.56(4)~~402.302(3)~~, s. 412.65(3)~~402.313(3)~~, s.
7 409.175(2)(i), s. 415.102(4), s. 415.103, s. 985.407, or
8 chapter 400; or

9 6. Is seeking to be employed or licensed by the Office
10 of Teacher Education, Certification, Staff Development, and
11 Professional Practices of the Department of Education, any
12 district school board, or any local governmental entity which
13 licenses child care facilities.

14 Section 77. Subsection (2) of section 985.04, Florida
15 Statutes, is amended to read:

16 985.04 Oaths; records; confidential information.--

17 (2) Records maintained by the Department of Juvenile
18 Justice, including copies of records maintained by the court,
19 which pertain to a child found to have committed a delinquent
20 act which, if committed by an adult, would be a crime
21 specified in ss. 110.1127, 393.0655, 394.457, 397.451,
22 412.57(2)~~402.305(2)~~, 409.175, and 409.176 may not be
23 destroyed pursuant to this section, except in cases of the
24 death of the child. Such records, however, shall be sealed by
25 the court for use only in meeting the screening requirements
26 for personnel in s. 412.574 ~~402.3055~~ and the other sections
27 cited above, or pursuant to departmental rule; however,
28 current criminal history information must be obtained from the
29 Department of Law Enforcement in accordance with s. 943.053.
30 The information shall be released to those persons specified
31 in the above cited sections for the purposes of complying with

1 those sections. The court may punish by contempt any person
2 who releases or uses the records for any unauthorized purpose.

3 Section 78. Paragraph (e) of subsection (4) of section
4 985.05, Florida Statutes, is amended to read:

5 985.05 Court records.--

6 (4) A court record of proceedings under this part is
7 not admissible in evidence in any other civil or criminal
8 proceeding, except that:

9 (e) Records of proceedings under this part may be used
10 to prove disqualification pursuant to ss. 110.1127, 393.0655,
11 394.457, 397.451, 412.57 ~~402.305~~, 412.65 ~~402.313~~, 409.175,
12 409.176, and 985.407.

13 Section 79. This act shall take effect upon becoming a
14 law.

15 *****

16 HOUSE SUMMARY

17
18 Requires the Agency for Workforce Innovation to provide
19 staff and other support to the Florida Partnership for
20 School Readiness and transfers state responsibility for
21 prekindergarten programs, including subsidized child
22 care, from various state departments to the agency and
23 the partnership. Changes the designation of offices
24 within the agency to reflect the added jurisdiction and
25 responsibilities.

26 Transfers funding, personnel, and other items from the
27 Executive Office of the Governor and the Department of
28 Children and Family Services to the Agency for Workforce
29 Innovation.

30 Places local responsibility for school readiness programs
31 with local school readiness coalitions rather than with
district school boards.

See bill for details.