

Amendment No. 1 (for drafter's use only)

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

The Committee on Business Regulation offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

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

402.3055 Child care personnel requirements.--

(1) REQUIREMENTS FOR CHILD CARE PERSONNEL.--

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

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

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

5 2. If the department or local licensing agency
6 determines as the result of such review that it is not in the
7 best interest of the state or local jurisdiction for the
8 applicant to be licensed, a license shall not be granted.

9 Section 2. Paragraph (c) is added to subsection (1) of
10 section 402.310, Florida Statutes, to read:

11 402.310 Disciplinary actions; hearings upon denial,
12 suspension, or revocation of license; administrative fines.--

13 (1)

14 (c) The department shall establish and impose uniform
15 penalties for violations of ss. 402.301-402.319 and the rules
16 adopted thereunder. The department shall implement this
17 paragraph beginning on the effective date of this act, and
18 such implementation shall not be contingent upon a specific
19 appropriation therefor.

20 Section 3. Section 402.3105, Florida Statutes, is
21 created to read:

22 402.3105 Central database on violations, citations,
23 and penalties imposed against child care facilities.--

24 (1) The Department of Children and Family Services
25 shall establish and maintain a central database to record and
26 compile all district information relating to violations,
27 citations, and penalties imposed against child care facilities
28 regulated by the department.

29 (2) The database shall be operated in a manner that
30 enables the department to identify and locate such information
31 for purposes of monitoring and evaluating the uniformity and

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1 effectiveness of district investigations and enforcement, in
2 order to ensure compliance of child care facilities with state
3 regulatory requirements. The database shall further maintain
4 and produce aggregate statistical reports monitoring patterns
5 of violations, citations, and penalties, including the classes
6 and types of violations and any actions taken to suspend or
7 revoke the license of a child care facility.

8 (3) The information in the database shall serve as a
9 resource for the evaluation of child care facilities for
10 license renewal but may not be used for employment screening.
11 The information in the database shall be made available to the
12 public upon request, pursuant to chapter 119 relating to
13 public records.

14 (4) The Department of Children and Family Services
15 shall implement this section beginning on the effective date
16 of this act, and such implementation shall not be contingent
17 upon a specific appropriation therefor.

18 Section 4. Section 402.316, Florida Statutes, is
19 amended to read:

20 (Substantial rewording of section. See
21 s. 402.316, F.S., for present text.)

22 402.316 Religious-exempt child care programs.--

23 (1) Religious-exempt child care programs are child
24 care or weekday preschool programs that are an integral part
25 of an established church, temple, or parochial school
26 conducting regularly scheduled classes, courses of study, or
27 educational programs and are members or participants of, or
28 are accredited by, a recognized accrediting agency for
29 religious exemption. Such a facility or program may choose to
30 become exempt from child care licensing as established in ss.
31 402.301-402.319, if a member or participant of, or accredited

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1 by, an approved accrediting agency for religious exemption, or
2 may choose to become licensed by the applicable licensing
3 authority. If choosing religious exemption, the child care
4 facility or program must display its certificate of compliance
5 issued by an approved accrediting agency for religious
6 exemption in a conspicuous location in the facility. Failure
7 to post the certificate of compliance in a conspicuous
8 location will result in an administrative action as determined
9 by the minimum standards of the accrediting agency for
10 religious exemption.

11 (2)(a) Accrediting agencies for religious exemption
12 must publish and require compliance with this section and with
13 the accrediting agency's minimum standards for operation of
14 child care facilities or programs, which minimum standards
15 must meet or exceed the state's minimum standards as provided
16 in s. 402.305(1)-(11), (13), (15), and (16). In addition, the
17 minimum standards published by the accrediting agencies for
18 religious exemption must require child care facilities and
19 programs to meet the minimum requirements of the applicable
20 local governing body as to health, sanitation, and safety,
21 including, but not limited to, environmental health, fire
22 safety, zoning, and building codes. Accrediting agencies for
23 religious exemption shall include in their minimum standards a
24 requirement that religious-exempt child care facilities or
25 programs inform parents that the facility or program is exempt
26 from licensing and meets the minimum standards of its
27 accrediting agency, which minimum standards meet or exceed the
28 state's minimum standards.

29 (b) An accrediting agency for religious exemption must
30 conduct an initial onsite review of each child care facility
31 or program operating under a certificate of compliance issued

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1 by the accrediting agency. Each year following the year in
2 which the initial onsite review was conducted, the facility or
3 program must submit a notarized statement to the accrediting
4 agency verifying compliance with the applicable Florida
5 Statutes and the accrediting agency's published minimum
6 standards. With respect to the requirements of s.
7 402.305(2)(d), unless otherwise exempt, child care personnel
8 in religious-exempt child care facilities or programs shall
9 begin the department's approved 40-clock-hour introductory
10 course in child care within 90 days after the effective date
11 of this section, or within 90 days after employment
12 thereafter, and shall complete the training within 1 year
13 after the date on which the training began. By July 1, 2007,
14 religious-exempt child care facilities and programs must meet
15 the staff credential requirement provided in s. 402.305(3).
16 The department and the accrediting agencies for religious
17 exemption shall work collaboratively to expedite the approval
18 of equivalency programs developed by the accrediting agencies
19 for staff credentialing.

20 (3) Each accrediting agency for religious exemption
21 must submit to the department a copy of its published minimum
22 standards to be reviewed and recognized by the department as
23 meeting the state's minimum standards for child care
24 facilities as provided in s. 402.305(1)-(11), (13), (15), and
25 (16). The accrediting agency's minimum standards shall be
26 reviewed by the department within 30 days after submission.
27 Once such minimum standards are recognized, the department
28 shall establish and maintain a complete and accurate listing
29 of all approved accrediting agencies for religious exemption
30 and their minimum standards.

31 (4) Nothing in this section shall authorize the state

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1 to regulate or control the accrediting agencies for religious
2 exemption or any religious-exempt child care facility's or
3 program's governance, religious instruction, curriculum,
4 discipline, or hiring practices, except for the screening
5 requirements required pursuant to s. 435.04.

6 (5)(a) The department shall distribute to the
7 accrediting agencies for religious exemption any revisions
8 made to the state's minimum standards for child care
9 facilities within 30 days after their adoption. Within 30
10 days after receipt of such revised minimum standards from the
11 department, each accrediting agency for religious exemption
12 shall submit to the department a written statement documenting
13 that the accrediting agency has notified each religious-exempt
14 child care facility or program of the state's revised minimum
15 standards. The state's revised minimum standards shall be
16 incorporated into the accrediting agency's minimum standards
17 during the agency's next revision of such standards.

18 (b) Each accrediting agency for religious exemption
19 shall maintain and submit to the department an annual report
20 which shall include an updated listing of child care
21 facilities and programs operating under a certificate of
22 compliance issued by the accrediting agency. Each accrediting
23 agency shall also provide written notice to the department
24 within 30 days after a child care facility or program newly
25 affiliates with the accrediting agency or terminates
26 affiliation. Facilities and programs exempt under this section
27 that transfer affiliation from one accrediting agency for
28 religious exemption to another must notify the accrediting
29 agency from which it is transferring at least 30 days in
30 advance of the transfer.

31 (6) An accrediting agency for religious exemption

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1 shall not own, operate, or administer a child care facility or
2 program operating under a certificate of compliance issued by
3 that accrediting agency. Child care facilities and programs
4 exempt under this section are solely responsible for their
5 day-to-day operations and for compliance with the applicable
6 Florida Statutes and the minimum standards of their
7 accrediting agency for religious exemption.

8 (7) The department shall facilitate an annual meeting
9 with accrediting agencies for religious exemption, health and
10 safety officials, and other interested child advocates to
11 exchange ideas for ensuring the health and safety of children
12 in child care facilities and programs.

13 Section 5. This act shall take effect July 1, 2002.

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15
16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 Remove from the title of the bill: the entire title

19
20 and insert:

21 A bill to be entitled

22 An act relating to child care facilities;
23 amending s. 402.3055, F.S.; requiring a signed
24 affidavit attesting to the accuracy of certain
25 information provided by an applicant for a
26 child care facility license; amending s.
27 402.310, F.S.; requiring the Department of
28 Children and Family Services to establish and
29 impose uniform penalties relating to child care
30 facility violations; requiring implementation
31 not contingent upon an appropriation; creating

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1 s. 402.3105, F.S.; requiring the department to
2 establish a database of information relating to
3 violations, citations, and penalties imposed
4 against child care facilities regulated by the
5 state; specifying database capabilities and
6 uses of information contained therein;
7 requiring implementation not contingent upon an
8 appropriation; amending s. 402.316, F.S.;
9 revising requirements for child care programs
10 operated by a church, temple, or parochial
11 school that are exempt from state child care
12 licensing; requiring a certificate of
13 compliance issued by an approved accrediting
14 agency for religious exemption; providing
15 requirements for such agencies' minimum
16 standards, review of programs, and training and
17 credentialing of personnel; requiring such
18 child care programs to provide verification of
19 compliance with applicable minimum standards;
20 providing for review and recognition of an
21 agency's minimum standards by the department;
22 providing for update of minimum standards when
23 state minimum standards for child care
24 facilities are revised; requiring annual
25 reports and certain notifications to the
26 department by such agencies; requiring the
27 department to facilitate certain annual
28 meetings; providing an effective date.
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