

By Representative Lynn

1 A bill to be entitled
2 An act relating to child care facilities;
3 amending s. 402.3055, F.S.; requiring
4 validation of certain information provided by
5 an applicant for a child care facility license;
6 amending s. 402.301, F.S.; specifying which
7 membership organizations are not considered
8 child care facilities; amending s. 402.310,
9 F.S.; requiring the Department of Children and
10 Family Services to establish and impose uniform
11 penalties relating to child care facility
12 violations; requiring implementation not
13 contingent upon an appropriation; creating s.
14 402.3105, F.S.; requiring the department to
15 establish a database of information relating to
16 violations, citations, and penalties imposed
17 against child care facilities regulated by the
18 state; providing duties of the State Technology
19 Office; specifying database capabilities and
20 uses of information contained therein;
21 requiring implementation not contingent upon an
22 appropriation; amending s. 409.146, F.S.,
23 relating to children and families client and
24 management information; deleting obsolete
25 language; amending ss. 402.26, 402.281,
26 402.302, and 402.3051, F.S.; deleting
27 references to certain exempt facilities;
28 repealing s. 402.316, F.S., relating to the
29 exemption from state regulation for child care
30 facilities operated by a church or parochial
31 school; providing an effective date.

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

2

3 Section 1. Paragraph (a) of subsection (1) of section
4 402.3055, Florida Statutes, is amended to read:

5 402.3055 Child care personnel requirements.--

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

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

16 1. If the applicant, owner, or operator admits that he
17 or she has been a party in such action, the department or
18 local licensing agency shall review the nature of the
19 suspension, revocation, disciplinary action, or fine before
20 granting the applicant a license to operate a child care
21 facility.

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

30 3. If the department or local licensing agency
31 determines as the result of such review that it is not in the

1 best interest of the state or local jurisdiction for the
2 applicant to be licensed, a license shall not be granted.

3 Section 2. Subsection (6) of section 402.301, Florida
4 Statutes, is amended to read:

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

10 (6) It is further the intent that membership
11 organizations that provide child care for school-age children
12 for not more than 4 hours per day and are affiliated with
13 national organizations ~~which do not provide child care,~~ whose
14 primary purpose is providing activities that contribute to the
15 development of good character or good sportsmanship or to the
16 education or cultural development of minors in this state,
17 which charge only a nominal annual membership fee, which are
18 not for profit, and which are certified by their national
19 associations as being in compliance with the association's
20 minimum standards and procedures shall not be considered child
21 care facilities and, therefore, their personnel shall not be
22 required to be screened. Care for children under kindergarten
23 age is considered child care and is subject to ss.
24 402.301-402.319.

25 Section 3. Paragraph (c) is added to subsection (1) of
26 section 402.310, Florida Statutes, to read:

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

29 (1)

30 (c) The department shall establish and impose uniform
31 penalties for violations of ss. 402.301-402.319 and the rules

1 adopted thereunder. The department shall implement this
2 paragraph beginning on the effective date of this act, and
3 such implementation shall not be contingent upon a specific
4 appropriation therefor.

5 Section 4. Section 402.3105, Florida Statutes, is
6 created to read:

7 402.3105 Central database on violations, citations,
8 and penalties imposed against child care facilities.--

9 (1) The Department of Children and Family Services
10 shall establish and maintain a central database to record and
11 compile all district information relating to violations,
12 citations, and penalties imposed against child care facilities
13 regulated by the department. The database shall be designed by
14 the State Technology Office, in consultation with the
15 department pursuant to chapter 282, and the department shall
16 implement, operate, and maintain the system in accordance with
17 the policies and procedures established by the office.

18 (2) The database shall be operated in a manner that
19 enables the department to identify and locate such information
20 for purposes of monitoring and evaluating the uniformity and
21 effectiveness of district investigations and enforcement, in
22 order to ensure compliance of child care facilities with state
23 regulatory requirements. The database shall further maintain
24 and produce aggregate statistical reports monitoring patterns
25 of violations, citations, and penalties, including the classes
26 and types of violations and any actions taken to suspend or
27 revoke the license of a child care facility.

28 (3) The information in the database shall serve as a
29 resource for the evaluation of child care facilities for
30 license renewal but may not be used for employment screening.

31

1 The information in the database shall be made available to the
2 public upon request.

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

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

9 409.146 Children and families client and management
10 information system.--

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

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

30 402.26 Child care; legislative intent.--
31

1 (6) It is the intent of the Legislature that a child
2 care facility licensed pursuant to s. 402.305 ~~or a child care~~
3 ~~facility exempt from licensing pursuant to s. 402.316,~~that
4 achieves Gold Seal Quality status pursuant to s. 402.281,be
5 considered an educational institution for the purpose of
6 qualifying for exemption from ad valorem tax pursuant to s.
7 196.198.

8 Section 7. Subsection (2) of section 402.281, Florida
9 Statutes, is amended to read:

10 402.281 Gold Seal Quality Care program.--

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

21 Section 8. Subsection (3) of section 402.302, Florida
22 Statutes, is amended to read:

23 402.302 Definitions.--

24 (3) "Child care personnel" means all owners,
25 operators, employees, and volunteers working in a child care
26 facility. The term does not include persons who work in a
27 child care facility after hours when children are not present
28 or parents of children in Head Start. For purposes of
29 screening, the term includes any member, over the age of 12
30 years, of a child care facility operator's family, or person,
31 over the age of 12 years, residing with a child care facility

1 operator if the child care facility is located in or adjacent
2 to the home of the operator or if the family member of, or
3 person residing with, the child care facility operator has any
4 direct contact with the children in the facility during its
5 hours of operation. Members of the operator's family or
6 persons residing with the operator who are between the ages of
7 12 years and 18 years shall not be required to be
8 fingerprinted but shall be screened for delinquency records.
9 For purposes of screening, the term shall also include persons
10 who work in child care programs which provide care for
11 children 15 hours or more each week in public or nonpublic
12 schools, summer day camps, or family day care homes, ~~or those~~
13 ~~programs otherwise exempted under s. 402.316~~. The term does
14 not include public or nonpublic school personnel who are
15 providing care during regular school hours, or after hours for
16 activities related to a school's program for grades
17 kindergarten through 12 as required under chapter 232. A
18 volunteer who assists on an intermittent basis for less than
19 40 hours per month is not included in the term "personnel" for
20 the purposes of screening and training, provided that the
21 volunteer is under direct and constant supervision by persons
22 who meet the personnel requirements of s. 402.305(2).
23 Students who observe and participate in a child care facility
24 as a part of their required coursework shall not be considered
25 child care personnel, provided such observation and
26 participation are on an intermittent basis and the students
27 are under direct and constant supervision of child care
28 personnel.

29 Section 9. Subsection (2) of section 402.3051, Florida
30 Statutes, is amended to read:

31

1 402.3051 Child care market rate reimbursement; child
2 care grants.--

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

19 Section 10. Section 402.316, Florida Statutes, is
20 repealed. The repeal of said section is not intended to affect
21 the curriculum of any child care facility affected by the
22 repeal.

23 Section 11. This act shall take effect July 1, 2002.
24
25
26
27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

HOUSE SUMMARY

Requires validation of certain information provided by an applicant for a child care facility license. Specifies which membership organizations are not considered child care facilities. Requires the Department of Children and Family Services to establish and impose uniform penalties for violation of provisions regulating child care facilities. Requires the department to establish and maintain a database to monitor violations, citations, and penalties imposed against such facilities. Specifies certain capabilities of the database and uses of the information contained therein. Repeals an exemption from state regulation for child care facilities operated by a church or parochial school.