

By Senator Sullivan

22-564-02

See HB 175

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; eliminating obsolete  
25          provisions; amending ss. 402.26, 402.281,  
26          402.302, 402.3051, F.S.; eliminating references  
27          to certain exempt facilities; repealing s.  
28          402.316, F.S., relating to the exemption from  
29          state regulation for child care facilities  
30          operated by a church or parochial school;  
31          providing an effective date.

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

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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.  
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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.--

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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:

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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, but this repeal is not intended to affect the  
21 curriculum of any child care facility affected by the repeal.

22           Section 11. This act shall take effect July 1, 2002.  
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LEGISLATIVE 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.

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