

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1141 w/CS Relating to Child Care

SPONSOR(S): Ausley

TIED BILLS: **IDEN./SIM. BILLS:** SB 2446

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Children's Services (Sub)	6 Y, 0 N	Walsh	Liem
2) Future of Florida's Families	15 Y, 0 N w/CS	Walsh	Liem
3) Education K-20			
4) Human Services Appropriations (Sub)			
5) Appropriations			

SUMMARY ANALYSIS

The CS for HB 1141 amends s. 402.305, F.S., minimum standards for child care personnel, to require that the approved introductory course in child care also cover early literacy and language development of children from birth to 5 years of age. It requires that child care personnel take an additional two hours of training annually over the current requirements, and that child care personnel complete one time 0.5 CEU or 5 clock hours of approved training in early literacy and language development of children from birth to 5 years of age.

The CS amends ss. 402.313 and 402.3131, F.S., relating to family day care homes and large family child care homes, to require that operators complete additional training each year in order to develop child care and administrative skills. In addition, the operator must complete one time 0.5 CEU or 5 clock hours of approved training in early literacy and language development of children from birth to 5 years of age.

The CS also requires that family day care home operators complete and sign a health and safety home inspection self-evaluation checklist to certify that basic health and safety standards are being met, and provide a copy to the parents.

The CS amends s. 402.312, F.S., relating to licenses and injunctive relief; to prohibit unlicensed or unregistered operation of a family day care home or large family child care home, and provides authority for the Department of Children and Families (DCF) or local licensing agency to enjoin their operation. It also provides for the imposition of an administrative fine.

The CS provides an effective date of July 1, 2003.

The CS will have a minimal fiscal impact on the Department of Children and Families (DCF).

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1141b.fff.doc

DATE: April 17, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Many studies have established that high-quality early child care and education are vital for school success by enhancing cognitive and language development.¹ By the time they enter kindergarten, most children have experienced some kind of early education or child care. Over 7 million preschoolers are regularly cared for by someone other than a relative.² Thus, an enormous potential exists for early childhood providers to influence later reading success. Training child care staff in ways to engage children in literacy and language activities will enhance their charges’ reading-readiness as they enter school and prepare them to be life-long readers.

Child Care Personnel Training: Introductory Course

The Department of Children and Families (DCF) is currently responsible for child care regulation in 59 of 67 counties³, which includes 4,281 licensed child care facilities, 2,405 licensed family day care homes, 118 licensed large family child care home, and 2,676 registered family day care homes. DCF is also responsible for the development and delivery of mandated training curriculum and competency examinations for over 50,000 child care providers statewide: 40-clock-hours of introductory child care training for personnel in child care facilities⁴; 30-clock-hours of an introductory course in child care for personnel in family day care homes⁵; and 40-clock-hours of an introductory course in group child care for personnel in large family child care homes⁶.

The introductory courses must include training in at least the following subject areas:⁷

- a. State and local rules and regulations which govern child care
- b. Health, safety and nutrition

¹ National Institute for Child Health and Development, 1997.

² U.S. Census Bureau, PPL Table 1A: Child Care Arrangements for Preschoolers by Family Characteristics and Employment Status of Mother: Spring 1999, Internet release date January 24, 2003. See <http://www.census.gov/population/www/socdemo/child/ppl-168.html>

³ Alachua, Brevard, Broward, Leon, Hillsborough, Palm Beach, Pinellas, Polk and Sarasota counties license and regulate child care facilities.

⁴ Section 402.305(2)(d)1., F.S.

⁵ Section 402.313(4), F.S.

⁶ Section 402.3131(3), F.S.

⁷ Section 402.305(2)(d), F.S.

- c. Identifying and reporting child abuse and neglect
- d. Child development, including typical and atypical language, cognitive, motor, social, and self-help skills development
- e. Observation of developmental behaviors to determine the child's developmental age level
- f. Specialized areas, including computer technology for professional and classroom use, for owner-operators and child care personnel of a child care facility.

The CS requires that the introductory courses for personnel in child care facilities and in family day care homes include training on early literacy and language development of children from birth to 5 years of age as part of the existing clock-hours requirement.

Child Care Personnel Training: Annual Requirements

In addition to the introductory coursework, child care personnel in child care facilities are required to take an approved 8 clock hours of inservice training or an equivalent as determined by DCF annually.⁸ There is no current statutory requirement for annual training for personnel in family day care homes or large family child care homes.

The CS requires that child care personnel in child care facilities take 1 CEU of approved inservice training or 10 clock hours of equivalent training as determined by DCF⁹ Thus, this portion of the CS increases the annual training requirement for child care personnel in child care facilities by 2 clock hours. In addition, the CS newly imposes this same 1 CEU or 10 clock hour training requirement on operators of family day care homes and large family child care homes.

The CS also requires that personnel in child care facilities, family day care homes, and large family child care homes take 0.5 CEU, or 5 clock hours, training in early literacy and language development one time. The CS provides that the year that this training is completed, it shall fulfill 0.5 CEU or 5 clock hours of that year's training requirement.

DCF reports that it is in the process of developing a new specialized training module in early childhood literacy and language development. This five-clock-hour training module will include competency testing and will be made available to child care personnel on-line via the Internet. The training is expected to be available on October 1, 2003.

DCF also raises the concern that the child care industry is in the process of implementing competency-based testing, pursuant to Chapter 2002-300, Laws of Florida. This testing will require additional time and cost to child care personnel. The industry is also working toward the implementation of a Director Credential by January 1, 2004, for all child care facilities. Both of these major initiatives have significant impacts on the industry in terms of time, cost, and quality. DCF notes that additional training requirements at this time may be more than the industry can sustain.

Family Day Care Home Requirements

The bill requires that operators of registered family day care homes annually complete a health and safety home inspection self-evaluation checklist developed by the department and the statewide resource and referral network.¹⁰ The checklist is to be signed by the operator, certifying that basic health and safety standards are being met, and provided to the parents.

⁸ Section 402.305(2)(d)3., F. S.

⁹ A CEU or Continuing Education Unit is equal to ten clock hours of training or ten contact hours of participation in an organized educational experience. See, e.g., The International Association of Continuing Education and Training at <http://www.iacet.org>

¹⁰ Unlike registered family day care homes, licensed family day care homes are subject to at least two on-site inspections annually. These inspections validate that basic health and safety standards are being met. Non-compliance results in enforcement action by DCF against the licensee.

Injunctive Relief

The current statutory scheme requires that child care facilities¹¹ and large family child care homes be licensed,¹² while family day care homes must be either licensed or registered.¹³ However, pursuant to s. 402.312, F.S., DCF or local licensing agencies are authorized to enjoin the operation of licensed child care facilities only. The Department of Children and Families reports that there have been instances in the past of family day care homes and large family child care homes operating in an unsafe or substandard manner. Because the statute applies only to licensed child care facilities, DCF and the local licensing agencies have been unable to take action against these homes.

The CS provides authority to enjoin such unlicensed or unregistered operation. In addition, it provides DCF and local licensing agencies the authority to seek an injunction to close a child care facility, family day care home, or large family child care home if their substandard operation threatens harm to any child in their care, if there have been repeated licensing violations, or if the facility or home continues to operate after the closing date established by DCF or the local agency. Finally, DCF or the local licensing agency may impose an administrative fine for unlicensed or unregistered operation.

The CS provides an effective date of July 1, 2003.

C. SECTION DIRECTORY:

Section 1: Amends s. 402.305, F.S., relating to licensing standards of child care facilities; requires that child care personnel receive training in early literacy and language development of children from birth to 5 years of age.

Section 2: Amends s. 402.313, F.S., relating to family day care homes; requires that family day care home operators receive additional child care training; requires completion of a health and safety home inspection self-evaluation checklist; requires submission of checklist to parents.

Section 3: Amends s. 402.3131, F.S., relating to large family child care homes; requires that large family day care home operators receive additional child care training.

Section 4: Amends s. 402.312, F.S., relating to licenses and injunctive relief; prohibits operation of a family day care home or large family child care home without a license or registration; allows department or local licensing agency to enjoin unlicensed or unregistered operation; provides other grounds to enjoin operation; provides for imposition of a fine.

Section 5: Provides an effective date of July 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

DCF reports that the fiscal impact of the CS will be minimal, associated with conversion of the literacy course to classroom hours to accommodate those individuals unable to use or have access

¹¹ Section 402.308(1), F.S.

¹² Section 402.3131(1), F.S.

¹³ Section 402.313(1), F.S.

to a computer (approximately \$20,000), and with modification and distribution of the revised checklist (approximately \$20,000). There may also be a minimal cost for administration of the new family child care inservice hour requirements.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Child care providers will be impacted by increased costs for the additional hours of training required.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

B. RULE-MAKING AUTHORITY:

No rulemaking authority is granted or revised.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 1, 2003, the Subcommittee on the Children's Services adopted two amendments to HB 1141 --- one a strike everything (No. 01), the second a technical correction to the strike everything (No. 01a). Together, the amendments make the following changes to the bill as filed:

- The amendment requires that staff of child care facilities, family day care homes and large family day care homes receive introductory training in early literacy and language development.
- The amendment requires 1 CEU or 10 clock hours of annual training for staff of child care facilities, family day care homes and large family day care homes, and establishes a one-time 0.5 CEU or 5 clock hours early literacy and language development training requirement, which can be counted as part of that year's annual training hours.

- The amendment requires that registered family day care homes submit a self-evaluation safety checklist.
- The amendment amends s. 402.312, F.S., to provide grounds for injunctive relief against licensed and registered child care facilities, family day care homes and large family day care homes.

On April 14, 2003, the Committee on the Future of Florida's Families adopted as a Committee Substitute the two amendments above and a third amendment (No. 02). The third amendment removes language from the strike everything relating to the self-evaluation safety checklist, and replaces it with a requirement that operators of registered family day care homes annually complete a health and safety home inspection self-evaluation checklist and provide a copy to parents.

This bill analysis is drafted to the Committee Substitute.