



CHAMBER ACTION

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The Committee on Future of Florida's Families recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to child care; amending s. 402.305, F.S.; revising inservice training requirements for child care personnel; requiring training in early literacy and language development; amending s. 402.313, F.S.; requiring annual training and an annual health and safety home inspection self-evaluation by family day care home operators; requiring training in early literacy and language development; amending s. 402.3131, F.S.; requiring annual training of operators of large family child care homes; requiring training in early literacy and language development; amending s. 402.312, F.S.; providing grounds for injunctive relief against unlicensed or unregistered family day care homes and unlicensed larger family child care homes; providing penalties; providing an effective date.



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

30

31 Section 1. Paragraph (d) of subsection (2) of section
32 402.305, Florida Statutes, is amended to read:

33 402.305 Licensing standards; child care facilities.--

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

36 (d) Minimum training requirements for child care
37 personnel.

38 1. Such minimum standards for training shall ensure that
39 all child care personnel take an approved 40-clock-hour
40 introductory course in child care, which course covers at least
41 the following topic areas:

42 a. State and local rules and regulations which govern
43 child care.

44 b. Health, safety, and nutrition.

45 c. Identifying and reporting child abuse and neglect.

46 d. Child development, including typical and atypical
47 language, cognitive, motor, social, and self-help skills
48 development.

49 e. Observation of developmental behaviors, including using
50 a checklist or other similar observation tools and techniques to
51 determine the child's developmental age level.

52 f. Specialized areas, including computer technology for
53 professional and classroom use and early literacy and language
54 development of children from birth to 5 years of age, as
55 determined by the department, for owner-operators and child care
56 personnel of a child care facility.



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58 Within 90 days after employment, child care personnel shall
59 begin training to meet the training requirements. Child care
60 personnel shall successfully complete such training within 1
61 year after the date on which the training began, as evidenced by
62 passage of a competency examination. Successful completion of
63 the 40-clock-hour introductory course shall articulate into
64 community college credit in early childhood education, pursuant
65 to ss. 1007.24 and 1007.25. Exemption from all or a portion of
66 the required training shall be granted to child care personnel
67 based upon educational credentials or passage of competency
68 examinations. Child care personnel possessing a 2-year degree or
69 higher that includes 6 college credit hours in early childhood
70 development or child growth and development, or a child
71 development associate credential or an equivalent state-approved
72 child development associate credential, or a child development
73 associate waiver certificate shall be automatically exempted
74 from the training requirements in sub-subparagraphs b., d., and
75 e.

76 2. The introductory course in child care shall stress, to
77 the extent possible, an interdisciplinary approach to the study
78 of children.

79 3. On an annual basis in order to further their child care
80 skills and, if appropriate, administrative skills, child care
81 personnel who have fulfilled the requirements for the child care
82 training shall be required to take an additional 1 continuing
83 education unit ~~approved 8 clock hours~~ of approved inservice



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84 training, or 10 clock hours of an equivalent training as
85 determined by the department.

86 4. Child care personnel shall be required to complete 0.5
87 continuing education unit of approved training or 5 clock hours
88 of equivalent training, as determined by the department, in
89 early literacy and language development of children from birth
90 to 5 years of age one time. The year that this training is
91 completed, it shall fulfill 0.5 continuing education unit or 5
92 clock hours of the annual training required in subparagraph 3.

93 ~~5.4-~~ Procedures for ensuring the training of qualified
94 child care professionals to provide training of child care
95 personnel, including onsite training, shall be included in the
96 minimum standards. It is recommended that the state community
97 child care coordination agencies (central agencies) be
98 contracted by the department to coordinate such training when
99 possible. Other district educational resources, such as
100 community colleges and vocational-technical programs, can be
101 designated in such areas where central agencies may not exist or
102 are determined not to have the capability to meet the
103 coordination requirements set forth by the department.

104 ~~6.5-~~ Training requirements shall not apply to certain
105 occasional or part-time support staff, including, but not
106 limited to, swimming instructors, piano teachers, dance
107 instructors, and gymnastics instructors.

108 ~~7.6-~~ The department shall evaluate or contract for an
109 evaluation for the general purpose of determining the status of
110 and means to improve staff training requirements and testing
111 procedures. The evaluation shall be conducted every 2 years. The



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112 evaluation shall include, but not be limited to, determining the
113 availability, quality, scope, and sources of current staff
114 training; determining the need for specialty training; and
115 determining ways to increase inservice training and ways to
116 increase the accessibility, quality, and cost-effectiveness of
117 current and proposed staff training. The evaluation methodology
118 shall include a reliable and valid survey of child care
119 personnel.

120 ~~8.7.~~ The child care operator shall be required to take
121 basic training in serving children with disabilities within 5
122 years after employment, either as a part of the introductory
123 training or the annual 8 hours of inservice training.

124 Section 2. Paragraph (a) of subsection (1) of section
125 402.313, Florida Statutes, is amended, subsections (5) through
126 (10) are renumbered as subsections (8) through (13),
127 respectively, and new subsections (5), (6), and (7) are added to
128 said section, to read:

129 402.313 Family day care homes.--

130 (1) Family day care homes shall be licensed under this act
131 if they are presently being licensed under an existing county
132 licensing ordinance, if they are participating in the subsidized
133 child care program, or if the board of county commissioners
134 passes a resolution that family day care homes be licensed. If
135 no county authority exists for the licensing of a family day
136 care home, the department shall have the authority to license
137 family day care homes under contract for the purchase-of-service
138 system in the subsidized child care program.



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139 (a) If not subject to license, family day care homes shall
140 register annually with the department, providing the following
141 information:

142 1. The name and address of the home.

143 2. The name of the operator.

144 3. The number of children served.

145 4. Proof of a written plan to provide at least one other
146 competent adult to be available to substitute for the operator
147 in an emergency. This plan shall include the name, address, and
148 telephone number of the designated substitute.

149 5. Proof of screening and background checks.

150 6. Proof of successful completion of the 30-hour training
151 course, as evidenced by passage of a competency examination,
152 which shall include:

153 a. State and local rules and regulations that govern child
154 care.

155 b. Health, safety, and nutrition.

156 c. Identifying and reporting child abuse and neglect.

157 d. Child development, including typical and atypical
158 language development; and cognitive, motor, social, and self-
159 help skills development.

160 e. Observation of developmental behaviors, including using
161 a checklist or other similar observation tools and techniques to
162 determine a child's developmental level.

163 f. Specialized areas, including early literacy and
164 language development of children from birth to 5 years of age,
165 as determined by the department, for owner-operators of family
166 day care homes.



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167 7. Proof that immunization records are kept current.

168 8. Proof of completion of the required continuing
169 education units.

170 9. A completed health and safety home inspection self-
171 evaluation checklist, pursuant to subsection (7).

172 (5) In order to further develop their child care skills
173 and, if appropriate, their administrative skills, operators of
174 family day care homes shall be required to annually complete an
175 additional 1 continuing education unit of approved training or
176 10 clock hours of equivalent training, as determined by the
177 department.

178 (6) Operators of family day care homes shall be required
179 to complete 0.5 continuing education unit of approved training
180 in early literacy and language development of children from
181 birth to 5 years of age one time. The year that this training
182 is completed, it shall fulfill 0.5 continuing education unit or
183 5 clock hours of the annual training required in subsection (5).

184 (7) Operators of registered family day care homes shall be
185 required annually to complete a health and safety home
186 inspection self-evaluation checklist developed by the department
187 in conjunction with the statewide resource and referral network.
188 The completed checklist shall be signed by the operator of the
189 family day care home and provided to parents as certification
190 that basic health and safety standards are being met.

191 Section 3. Subsections (4) through (6) of section
192 402.3131, Florida Statutes, are renumbered as subsections (6)
193 through (8), respectively, and new subsections (4) and (5) are
194 added to said section to read:



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195 | 402.3131 Large family child care homes.--

196 | (4) In order to further develop their child care skills
197 | and, if appropriate, their administrative skills, operators of
198 | large family child care homes who have completed the required
199 | introductory course shall be required to annually complete an
200 | additional 1 continuing education unit of approved training or
201 | 10 clock hours of equivalent training, as determined by the
202 | department.

203 | (5) Operators of large family child care homes shall be
204 | required to complete 0.5 continuing education unit of approved
205 | training or 5 clock hours of equivalent training, as determined
206 | by the department, in early literacy and language development of
207 | children from birth to 5 years of age one time. The year that
208 | this training is completed, it shall fulfill 0.5 continuing
209 | education unit or 5 clock hours of the annual training required
210 | in subsection (4).

211 | Section 4. Section 402.312, Florida Statutes, is amended
212 | to read:

213 | 402.312 License required; injunctive relief.--

214 | (1) The operation of a child care facility without a
215 | license, a family day care home without a license or
216 | registration, or a large family child care home without a
217 | license is prohibited. If the department or the local licensing
218 | agency discovers that a child care facility is being operated
219 | without a license, a family day care home is being operated
220 | without a license or registration, or a large family child care
221 | home is being operated without a license, the department or
222 | local licensing agency is authorized to seek an injunction in



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223 the circuit court in which ~~where~~ the facility is located to
224 enjoin continued operation of such facility, family day care
225 home, or large family child care home. When the court is closed
226 for the transaction of judicial business, the department or
227 local licensing agency is authorized to seek an emergency
228 injunction to enjoin continued operation of such unlicensed
229 facility, unregistered or unlicensed family day care home, or
230 unlicensed large family child care home, which injunction shall
231 be continued, modified, or revoked on the next day of judicial
232 business.

233 (2) Other grounds for seeking an injunction to close a
234 child care facility, family day care home, or large family child
235 care home are that:

236 (a) There is any violation of the standards applied under
237 ss. 402.301-402.319 which threatens harm to any child in the
238 child care facility, family day care home, or large family child
239 care home.

240 (b) A licensee or registrant has repeatedly violated the
241 standards provided for under ss. 402.301-402.319.

242 (c) A child care facility, family day care home, or large
243 family child care home continues to have children in attendance
244 after the closing date established by the department or the
245 local licensing agency.

246 (3) The department or local licensing agency may impose an
247 administrative fine on any child care facility, family day care
248 home, or large family child care home operating without a
249 license or registration, consistent with the provisions of s.
250 402.310.



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251 | Section 5. This act shall take effect July 1, 2003.