

By Senator Lynn

7-274-03

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 Department of Children and Family
24 Services client and management information;
25 deleting obsolete language; amending ss.
26 402.26, 402.281, 402.302, and 402.3051, F.S.;
27 deleting references to certain exempt
28 facilities; repealing s. 402.316, F.S.,
29 relating to the exemption from state regulation
30 for child care facilities operated by a church
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1 or parochial school; providing an effective
2 date.

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

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6 Section 1. Paragraph (a) of subsection (1) of section
7 402.3055, Florida Statutes, is amended to read:

8 402.3055 Child care personnel requirements.--

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

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

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

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

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1 of a disciplinary action or been fined while employed in a
2 child care facility prior to issuing a license.

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

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

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

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

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

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1 402.310 Disciplinary actions; hearings upon denial,
2 suspension, or revocation of license; administrative fines.--

3 (1)

4 (c) The department shall establish and impose uniform
5 penalties for violations of ss. 402.301-402.319 and the rules
6 adopted thereunder. The department shall implement this
7 paragraph beginning on the effective date of this act, and
8 such implementation shall not be contingent upon a specific
9 appropriation therefor.

10 Section 4. Section 402.3105, Florida Statutes, is
11 created to read:

12 402.3105 Central database on violations, citations,
13 and penalties imposed against child care facilities.--

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

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

3 (3) The information in the database shall serve as a
4 resource for the evaluation of child care facilities for
5 license renewal but may not be used for employment screening.
6 The information in the database shall be made available to the
7 public upon request.

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

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

14 409.146 Children and families client and management
15 information system.--

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

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

5 402.26 Child care; legislative intent.--

6 (6) It is the intent of the Legislature that a child
7 care facility licensed pursuant to s. 402.305 which ~~or a child~~
8 ~~care facility exempt from licensing pursuant to s. 402.316,~~
9 ~~that~~ achieves Gold Seal Quality status pursuant to s. 402.281,
10 be considered an educational institution for the purpose of
11 qualifying for exemption from ad valorem tax pursuant to s.
12 196.198.

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

15 402.281 Gold Seal Quality Care program.--

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

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

28 402.302 Definitions.--

29 (3) "Child care personnel" means all owners,
30 operators, employees, and volunteers working in a child care
31 facility. The term does not include persons who work in a

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

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

5 402.3051 Child care market rate reimbursement; child
6 care grants.--

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

23 Section 10. Section 402.316, Florida Statutes, is
24 repealed. The repeal of this section is not intended to affect
25 the curriculum of any child care facility affected by the
26 repeal.

27 Section 11. This act shall take effect July 1, 2003.
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SENATE 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.