

By the Committee on Children and Families; and Senator Lynn

300-2056-03

1                                   A bill to be entitled  
2           An act relating to child care facilities;  
3           amending s. 402.3055, F.S.; requiring a signed  
4           affidavit attesting to the accuracy of certain  
5           information provided by an applicant for a  
6           child care facility license; amending s.  
7           402.310, F.S.; requiring the Department of  
8           Children and Family Services to establish and  
9           impose uniform penalties relating to child care  
10          facility violations; requiring implementation  
11          not contingent upon an appropriation; creating  
12          s. 402.3105, F.S.; requiring the department to  
13          establish a database of information relating to  
14          violations, citations, and penalties imposed  
15          against child care facilities regulated by the  
16          state; requiring the Department of Children and  
17          Family Services to consult and meet the  
18          requirements of the State Technology Office;  
19          specifying database capabilities and uses of  
20          information contained therein; requiring  
21          implementation not contingent upon an  
22          appropriation; amending s. 402.316, F.S.;  
23          providing for a child care program affiliated  
24          with a church, temple, or parochial school to  
25          be exempt from regulation by the department as  
26          a religious-exempt child care program;  
27          requiring religious-exempt child care programs  
28          to display a certificate of compliance issued  
29          by an accrediting agency recognized by the  
30          department; providing requirements for  
31          accrediting agencies recognized by the

1 department; requiring a recognized accrediting  
2 agency to conduct an initial on-site review;  
3 providing timeframes within which child care  
4 programs must meet the requirements for  
5 training and credentials; requiring recognized  
6 accrediting agencies for religious exemption to  
7 submit standards to the department; requiring  
8 the department to create and maintain a list of  
9 recognized accrediting agencies; providing that  
10 the act does not authorize the department to  
11 regulate the curriculum, discipline, or hiring  
12 practices of a religious-exempt child care  
13 program; requiring that the department notify  
14 recognized accrediting agencies of any revision  
15 in standards; requiring that a recognized  
16 accrediting agency submit an annual report;  
17 providing timeframes within which an exempt  
18 child care program must notify an accrediting  
19 agency of its transfer and termination of  
20 accreditation; prohibiting a recognized  
21 accrediting agency for religious exemption from  
22 owning, operating, or administering certain  
23 programs; requiring the department to  
24 facilitate an annual meeting; providing for the  
25 transfer of the Child Care Program in the  
26 Department of Children and Family Services to  
27 the Department of Health; directing the  
28 Department of Children and Family Services to  
29 adopt a rule defining child care; providing an  
30 effective date.

31

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

26 Section 2. Paragraph (c) is added to subsection (1) of  
27 section 402.310, Florida Statutes, to read:

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

30 (1)  
31

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

7           Section 3. Section 402.3105, Florida Statutes, is  
8 created to read:

9           402.3105 Central database on violations, citations,  
10 and penalties imposed against child care facilities.--

11           (1) The Department of Children and Family Services  
12 shall establish and maintain a central database to record and  
13 compile all district information relating to violations,  
14 citations, and penalties imposed against child care facilities  
15 regulated by the department.

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

26           (3) The information in the database shall serve as a  
27 resource for the evaluation of child care facilities for  
28 license renewal but may not be used for employment screening.  
29 The information in the database shall be made available to the  
30 public upon request pursuant to chapter 119, relating to  
31 public records.

1           (4) In consultation with the State Technology Office,  
2 the Department of Children and Family Services shall establish  
3 and maintain a central database to record and compile all  
4 district information relating to violations, citations, and  
5 penalties imposed against child care facilities regulated by  
6 the department. This system shall be developed pursuant to  
7 chapter 282, and the department shall implement, operate, and  
8 maintain the system in accordance with the policies and  
9 procedures established by the State Technology Office.

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

14           Section 4. Section 402.316, Florida Statutes, is  
15 amended to read:

16           (Substantial rewording of section. See  
17 s. 402.316, F.S., for present text.)

18           402.316 Exemption for child care program or weekday  
19 preschool program accredited by a recognized accrediting  
20 agency for religious exemption.--

21           (1) A child care program or weekday preschool program  
22 qualifies for the exemption provided in this section if the  
23 program is an integral part of an established church, temple,  
24 or parochial school conducting regularly scheduled classes,  
25 courses of study, or educational programs, and is a member or  
26 participant of, or accredited by, a state, regional, or  
27 national accrediting agency for religious exemption which is  
28 recognized by the Department of Children and Family Services.  
29 A child care program or weekday preschool program that  
30 qualifies as a religious-exempt child care program may choose  
31 to be exempt from the requirements for child care licensing

1 established in ss. 402.301-402.319 or may voluntarily be  
2 licensed under ss. 402.301-402.319. If a religious-exempt  
3 child care program chooses to be exempt from the requirements  
4 of ss. 402.301-402.319, the program must display its  
5 certificate of compliance issued by a recognized accrediting  
6 agency for religious exemption in a conspicuous location in  
7 the facility. Failure to post the certificate of compliance in  
8 a conspicuous location will result in an administrative action  
9 as determined by the standards of the program's accrediting  
10 agency for religious exemption.

11 (2) The department shall verify an accrediting agency  
12 as a recognized accrediting agency for religious exemption if  
13 the accrediting agency:

14 (a) Adopts minimum standards for operating a child  
15 care program or weekday preschool program which meet or exceed  
16 the department's minimum standards set forth in s. 402.305  
17 (1)-(11), (13), (15), and (16);

18 (b) Publishes its minimum standards and requires a  
19 child care program or weekday preschool program that is a  
20 member or participant of, or accredited by, the agency to  
21 comply with the accrediting agency's minimum standards;

22 (c) Requires a program that is a member or participant  
23 of, or accredited by, the agency to meet the minimum  
24 requirements of the local governing body with respect to  
25 health, sanitation, and safety, including, but not limited to,  
26 minimum requirements for environmental health, firesafety,  
27 zoning, and building codes;

28 (d) Requires a program that is a member or participant  
29 of, or accredited by, the agency to inform parents that the  
30 program is exempt from state licensing requirements but meets  
31

1 the standards of the program's accrediting agency, which meet  
2 or exceed the department's minimum standards;

3 (e) Conducts an initial on-site review of each program  
4 that is a member or participant of, or accredited by, the  
5 agency. Each year thereafter, a notarized statement must be  
6 submitted to the accrediting agency by each program verifying  
7 compliance with applicable state laws and the accrediting  
8 agency's published minimum standards; and

9 (f) Requires child care personnel employed by a  
10 program that is a member or participant of, or accredited by,  
11 the agency to comply with standards that meet or exceed the  
12 standards set forth in s. 402.305(2)(d). A recognized  
13 accrediting agency for religious exemption must require child  
14 care personnel to begin a 40-clock-hour introductory course in  
15 child care, approved by the department, by October 1, 2003, or  
16 within 90 days after employment and complete the training  
17 within 1 year after the date on which the training begins. In  
18 addition, a recognized accrediting agency shall require a  
19 program that is a member or participant of, or accredited by,  
20 the agency to meet or exceed the requirements for staff  
21 credentials set forth in s. 402.305(3) by July 1, 2007. The  
22 department and accrediting agencies for religious exemption  
23 shall work collaboratively to expedite the approval of  
24 equivalency programs developed by the accrediting agencies.

25 (3) Each accrediting agency for religious exemption  
26 that seeks recognition by the department under this section  
27 must submit a copy of its published standards to the  
28 department for review. These standards shall be reviewed by  
29 the department within 30 days after submission. The department  
30 shall recognize an accrediting agency if the agency's  
31 standards meet or exceed the minimum standards set forth in s.

1 402.305 (1)-(11), (13), (15), and (16). The department shall  
2 create and maintain a complete and accurate list of all  
3 recognized accrediting agencies for religious exemption and  
4 specify the agencies' standards.

5 (4) This section does not authorize the department to  
6 regulate or control an accrediting agency for religious  
7 exemption or to regulate or control the governance, religious  
8 curriculum, discipline, or hiring practices of any  
9 religious-exempt child care program.

10 (5) The department shall distribute to each recognized  
11 accrediting agency for religious exemption any revision made  
12 to the department's minimum standards within 30 days after the  
13 revision is adopted. Within 30 days after the receipt of  
14 revised minimum standards from the department, each recognized  
15 accrediting agency for religious exemption shall notify the  
16 department by written statement documenting that they have  
17 notified each exempt program of the revised standards. The new  
18 standards shall be incorporated during the next revision of  
19 the accrediting agency's minimum standards. Each recognized  
20 accrediting agency for religious exemption shall maintain and  
21 submit to the department an annual report that includes an  
22 updated listing of programs that are members or participants  
23 of, or accredited by, that agency and submit a written notice  
24 of a new program coming into affiliation thereafter, or  
25 terminating affiliation, within 30 days after such action. A  
26 religious-exempt child care program that transfers its  
27 affiliation from one accrediting agency to another must notify  
28 the accrediting agency from which it is transferring 30 days  
29 in advance of the transfer.

30 (6) A recognized accrediting agency for religious  
31 exemption may not own, operate, or administer a child care



1 program or weekday preschool program under its certificate of  
2 approval. A child care program or weekday preschool program  
3 exempt from ss. 402.301-402.319 under this section is solely  
4 responsible for its day-to-day operations and compliance with  
5 applicable state laws and the minimum standards of its  
6 accrediting agency for religious exemption.

7 (7) The department shall facilitate an annual meeting  
8 with the accrediting agencies for religious exemption, health  
9 and safety officials, and other interested child advocates to  
10 exchange ideas for ensuring the health and safety of children  
11 in child care and preschool programs.

12 Section 5. Effective July 1, 2003, all powers, duties,  
13 function, records, personnel, property, and unexpended  
14 balances of appropriations, allocations, and other funds of  
15 the Department of Children and Family Services which relate to  
16 the Child Care Program are transferred to the Department of  
17 Health by a type two transfer, pursuant to section 20.06(2),  
18 Florida Statutes.

19 Section 6. The Department of Children and Family  
20 Services shall establish by rule a definition for child care  
21 which distinguishes between child care programs that require  
22 child care licensure and after-school programs that do not  
23 require licensure.

24 Section 7. This act shall take effect July 1, 2003.  
25  
26  
27  
28  
29  
30  
31

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 194  
4       Deletes the provisions that specify when programs of certain  
5       non-for-profit organizations are not considered child care for  
6       the purpose of licensure.  
7       Retains the current statutory exemption to licensure for  
8       religious based child care programs and establishes specific  
9       requirements for attaining a religious exemption for such  
10      programs.  
11     Retains the current statutory requirement that the annual  
12     Department of Children and Families report on the client  
13     management information system be submitted to the Joint  
14     Information Technology Resources Committee.  
15     Deletes the requirement for validation that an applicant for  
16     licensure has not had a previously denied, revoked, or  
17     suspended license or been subjected to disciplinary action.  
18     Revises the role of the State Technology Office and the  
19     Department of Children and Families as it pertains to the  
20     central data base.  
21     Stipulates that information made available to the public from  
22     the central data base must be based on the public records  
23     provisions of ch. 119.  
24     Clarifies that the Department of Children and Families' role  
25     as it relates to the accrediting agency for religious  
26     exemption is not that of oversight.  
27     Directs the department to establish in rule a definition of  
28     child care that distinguishes between child care programs  
29     requiring licensure and after school programs not requiring  
30     licensure.  
31     Transfers the Child Care Program from the Department of  
      Children and Families to the Department of Health.