

By the Committees on Commerce, Economic Opportunities, and Consumer Services; Children and Families; and Senator Lynn

310-2231-03

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; directing the
25 Department of Children and Family Services to
26 adopt a rule defining child care; providing for
27 the transfer of the Child Care Program from the
28 Department of Children and Family Services to
29 the Department of Health; providing effective
30 dates.
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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 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)
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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
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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. The Department of Children and Family
13 Services shall establish by rule a definition for child care
14 which distinguishes between child care programs that require
15 child care licensure and after-school programs that do not
16 require licensure.

17 Section 6. Effective October 1, 2003, all powers,
18 duties, functions, rules, records, personnel, property, and
19 unexpended balances of appropriations, allocations, and other
20 funds of the Department of Children and Family Services which
21 relate to the Child Care Program administered under sections
22 402.301-402.319, Florida Statutes, are transferred by a type
23 two transfer, as defined in section 20.06(2), Florida
24 Statutes, from the Department of Children and Family Services
25 to the Department of Health.

26 Section 7. Except as otherwise expressly provided in
27 this act, this act shall take effect July 1, 2003.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 194

The committee substitute provides for the transfer of the Child Care Program to the Department of Health on October 1, 2003, rather than July 1, 2003; clarifies that rules of the Department of Children and Family Services implementing the Child Care Program are included within the transfer; and specifies the provisions of law relating to the Child Care Program, to which the transfer applies.