

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

309-2533-03

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; directing the Department of

23 Children and Family Services to adopt a rule

24 defining child care; providing for the transfer

25 of the Child Care Program from the Department

26 of Children and Family Services to the

27 Department of Health; providing effective

28 dates.

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

31

1 Section 1. Paragraph (a) of subsection (1) of section
2 402.3055, Florida Statutes, is amended to read:

3 402.3055 Child care personnel requirements.--

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

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

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

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

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

26 402.310 Disciplinary actions; hearings upon denial,
27 suspension, or revocation of license; administrative fines.--

28 (1)

29 (c) The department shall establish and impose uniform
30 penalties for violations of ss. 402.301-402.319 and the rules
31 adopted thereunder. The department shall implement this

1 paragraph beginning on the effective date of this act, and
2 such implementation shall not be contingent upon a specific
3 appropriation therefor.

4 Section 3. Section 402.3105, Florida Statutes, is
5 created to read:

6 402.3105 Central database on violations, citations,
7 and penalties imposed against child care facilities.--

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

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

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

29 (4) In consultation with the State Technology Office,
30 the Department of Children and Family Services shall establish
31 and maintain a central database to record and compile all

1 district information relating to violations, citations, and
2 penalties imposed against child care facilities regulated by
3 the department. This system shall be developed pursuant to
4 chapter 282, and the department shall implement, operate, and
5 maintain the system in accordance with the policies and
6 procedures established by the State Technology Office.

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

11 Section 4. The Department of Children and Family
12 Services shall establish by rule a definition for child care
13 which distinguishes between child care programs that require
14 child care licensure and after-school programs that do not
15 require licensure.

16 Section 5. Effective October 1, 2003, all powers,
17 duties, functions, rules, records, personnel, property, and
18 unexpended balances of appropriations, allocations, and other
19 funds of the Department of Children and Family Services which
20 relate to the Child Care Program administered under sections
21 402.301-402.319, Florida Statutes, are transferred by a type
22 two transfer, as defined in section 20.06(2), Florida
23 Statutes, from the Department of Children and Family Services
24 to the Department of Health.

25 Section 6. Except as otherwise expressly provided in
26 this act, this act shall take effect July 1, 2003.

27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for CS for Senate Bill 194

The Committee Substitute deletes revisions to s. 402.316, Florida Statutes, relating to childcare or preschool programs that are accredited by recognized accrediting agencies for religious exemptions.