

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 2446

SPONSOR: Education Committee, Children and Families Committee, and Senator Wasserman Schultz

SUBJECT: Child Care

DATE: April 22, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dowds	Whiddon	CF	Fav/CS
2.	deMarsh-Mathues	O'Farrell	ED	Fav/CS
3.	_____	_____	AHS	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Bill 2446 adds literacy and language development for children age birth to 5 years to the training required by child care center personnel and operators of family day care homes and large family child care homes. The annual in-service training requirement for child care center personnel is increased and may be earned in continuing education units (CEUs). Annual in-service training is added to the training requirements for operators of family day care homes and large family child care homes. Operators of registered family day care homes are required to annually complete a health and safety home inspection self-evaluation check list. The Department of Children and Families is provided authority to seek an injunction to close a licensed or registered family day care home or licensed family child care home. The department must adopt rules related to the definition of child care to distinguish between child care programs that require licensure and after-school programs that do not require licensure.

This bill substantially amends sections 402.305, 402.312, 402.313, and 402.3131, of the Florida Statutes, and creates an undesignated section of law.

II. Present Situation:

The established view of professionals and researchers in the child care field is that the quality of child care contributes to child development outcomes. Studies have found that quality child care is related to cognitive development, greater academic achievement, school readiness, higher social competence, and fewer behavior problems. One of the important aspects of quality child care typically identified by professionals is staff preparation and qualifications.

Florida's licensing and registration standards for child care programs contain minimum staff training requirements based on the type of program. A "child care facility" includes any child care center or child care arrangement that is providing child care for a fee to more than five children who are unrelated to the operator of the program [s. 402.302(2), F.S.] and is required to meet the licensing standards defined in s. 402.305, F.S., which include minimum pre-service and in-service training requirements for its child care personnel. All such child care personnel are required to take an approved 40-hours of training in child care [s. 402.305(2)(d), F.S.]. The core introductory child care course is a 30-hour standardized course which covers the following topic areas: state and local rules and regulations relative to child care; health, safety and nutrition; the identification and reporting of child abuse and neglect; child development, including typical and atypical language, cognitive, motor, social and self-help skills development; and observation of developmental behaviors, including use of observation tools and determining the child's developmental age level. The additional 10 hours can be satisfied through one of the following specialized training modules: developmentally appropriate practices for young children, developmentally appropriate practices for school-age children, developmentally appropriate practices for infants and toddlers, developmentally appropriate practices for children with special needs, computer technology for professionals and classroom use, and owner/operators of child care programs. In addition, 8 hours of approved in-service training is required of all child care personnel each year.

A "family day care home" is a residence where child care is provided for payment to no more than 10 children, based on the ages of the children, for at least two unrelated families [s. 402.302(7), F.S.]. All family day care home operators, whether licensed or registered, are required to complete an approved 30-hour introductory course in family child care, which must be successfully completed as evidenced by the passage of a competency examination prior to caring for any children [s. 402.313(4), F.S.]. A "large family child care home" is also a residence where child care is provided but a maximum of 12 children may be served based on the ages of the children [s. 402.302(8), F.S.]. Operators of the large family child care homes are required to successfully complete the 40-hour introductory child care course required of child care facility personnel and pass a competency examination. Currently, there is no requirement for yearly in-service training for operators of either family day care homes or large family child care homes.

Section 402.313, F.S., requires that family day care homes be registered or, in some circumstances, licensed. The department has developed in rule pursuant to s. 402.313(10), F.S., minimum standards for licensure of family day care homes to include standards for staffing, training, immunization records, health, and enforcement, as well as reduced standards for evening care provided by municipalities and counties. Family day care homes which are not required or do not choose to be licensed must register annually with the department pursuant to s. 402.313(1)(a), F.S. Such registration requires that the following information be provided to the department: name of the operator and home, address of the home, number of children being served, a plan for a substitute caregiver in an emergency, proof that the criminal background and employment history check required by s. 402.302(13), F.S., was completed, proof that the required 30-hour training program was completed and competency test passed, and proof that the immunization records are maintained.

The intent of child care regulation in Florida, as in most states, is to protect the health, safety, and well-being of the children. Enforcement of the child care regulations ensures that child care facilities, family day care homes, and large family child care homes are complying with the licensing or registration standards. Chapter 402, F.S., sets forth a continuum of enforcement actions. One such action is the department's authority to seek an injunction to close a child care facility for operating without a license, for violating the licensing standards in a manner that threatens harm to a child in the facility, for repeated violations of the licensing standards, and for continued services to children after the department or local licensing agency's closing date (s. 402.312, F.S.). This enforcement action currently only applies to child care facilities and not to the other child care settings which the department regulates.

The Department of Children and Families is currently responsible for child care regulation in 59 of the 67 counties in the state which includes 4,281 licensed child care facilities, 2,405 licensed family day care homes, 118 large family child care homes, and 2,676 registered family day care homes. Child care facilities and homes in the remaining counties are licensed by a local licensing authority pursuant to s. 402.306, F.S., which currently regulates 2,491 licensed child care facilities, 2,890 licensed family day care homes, and 244 registered family day care homes.

III. Effect of Proposed Changes:

CS/SB 2446 adds literacy and language development for children age birth to 5 years to the training required by child care center personnel and operators of family day care homes and large family child care homes. The annual in-service training requirement for child care center personnel is increased and may be earned in continuing education units (CEUs). Annual in-service training is added to the training requirements for operators of family day care homes and large family child care homes. Operators of registered family day care homes are required to annually complete a health and safety home inspection self-evaluation check list. The Department of Children and Families is provided authority to seek an injunction to close a licensed or registered family day care home or licensed family child care home.

Specifically, CS/SB 2446 amends ss. 402.305(2), 402.313(1), and 402.3131, F.S., to add literacy and language development of children birth to age 5 years to the specialized areas of training that child care personnel in licensed child care centers, in registered or licensed family day care homes, and in licensed large family child care homes must complete. The new training is required to be completed only one time and is to constitute .5 continuing education unit (CEU) or 5 clock hours of the annual in-service training required for the year it was completed. The annual in-service training requirement for child care personnel in child care centers is increased from 8 to 10 hours of training or may be met with 1 CEU of training. The bill introduces to operators of family day care homes and large family child care homes the requirement of annual in-service training and requires that either 10 clock hours or 1 CEU be completed each year. Proof that the required continuing education units or clock hours for the annual training have been completed is required by the bill to be submitted with the annual registration process for registered family day care homes.

The bill requires that operators of registered family day care homes complete a self-evaluation health and safety home inspection check list, which is to be signed by the operator and provided to the parents as certification that basic health and safety standards are met. The department is

directed to develop the check list, in conjunction with the statewide resource and referral program.

Section 402.312, F.S., is amended to include licensed or registered family day care homes and licensed large family child care homes to the child care facilities for which the department has authority to seek injunctive relief. Specifically, with this bill, the department is authorized to seek an injunction to close the operation of a licensed or registered family day care home or licensed large family child care home for violating any standard which threatens harm to a child in these settings, for repeated violation of the standards, and for continuing services to children after the closing date established by the department or local licensing agency. The department may seek injunctive relief for unlicensed or unregistered family day care homes and unlicensed large family child care homes. The department must adopt rules related to the definition of child care to distinguish between child care programs that require licensure and after-school programs that do not require licensure.

The bill provides for an effective date of July 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The current in-service training required for personnel at child care centers is increased from 8 to 10 hours annually, but, because this training can be obtained at no cost, the impact on personnel should be minimal.

Annual in-service training of 10 hours or 1 CEU is being introduced to operators of family day care homes and large family child care homes which will likely have cost associated with obtaining this training.

C. Government Sector Impact:

The Department of Children and Families reports there is no fiscal impact with this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
