

By the Committee on Children and Families; and Senator Wasserman Schultz

300-2408-03

1                                   A bill to be entitled  
2           An act relating to child care; amending s.  
3           402.305, F.S.; revising inservice training  
4           requirements for child care personnel;  
5           requiring training in early literacy and  
6           language development; amending s. 402.312,  
7           F.S.; providing grounds for injunctive relief  
8           against family day care homes or large family  
9           child care homes; providing penalties; amending  
10          s. 402.313, F.S.; requiring annual training and  
11          an annual health and safety home inspection  
12          self-evaluation by family day care home  
13          operators; requiring training in early literacy  
14          and language development; amending s. 402.3131,  
15          F.S.; requiring annual training of operators of  
16          large family child care homes; requiring  
17          training in early literacy and language  
18          development; providing an effective date.

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

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22           Section 1. Paragraph (d) of subsection (2) of section  
23 402.305, Florida Statutes, is amended to read:

24           402.305 Licensing standards; child care facilities.--

25           (2) PERSONNEL.--Minimum standards for child care  
26 personnel shall include minimum requirements as to:

27           (d) Minimum training requirements for child care  
28 personnel.

29           1. Such minimum standards for training shall ensure  
30 that all child care personnel take an approved 40-clock-hour

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1 introductory course in child care, which course covers at  
2 least the following topic areas:  
3 a. State and local rules and regulations which govern  
4 child care.  
5 b. Health, safety, and nutrition.  
6 c. Identifying and reporting child abuse and neglect.  
7 d. Child development, including typical and atypical  
8 language, cognitive, motor, social, and self-help skills  
9 development.  
10 e. Observation of developmental behaviors, including  
11 using a checklist or other similar observation tools and  
12 techniques to determine the child's developmental age level.  
13 f. Specialized areas, including computer technology  
14 for professional and classroom use and early literacy and  
15 language development of children from birth to 5 years of age,  
16 as determined by the department, for owner-operators and child  
17 care personnel of a child care facility.  
18  
19 Within 90 days after employment, child care personnel shall  
20 begin training to meet the training requirements. Child care  
21 personnel shall successfully complete such training within 1  
22 year after the date on which the training began, as evidenced  
23 by passage of a competency examination. Successful completion  
24 of the 40-clock-hour introductory course shall articulate into  
25 community college credit in early childhood education,  
26 pursuant to ss. 1007.24 and 1007.25. Exemption from all or a  
27 portion of the required training shall be granted to child  
28 care personnel based upon educational credentials or passage  
29 of competency examinations. Child care personnel possessing a  
30 2-year degree or higher that includes 6 college credit hours  
31 in early childhood development or child growth and

1 development, or a child development associate credential or an  
2 equivalent state-approved child development associate  
3 credential, or a child development associate waiver  
4 certificate shall be automatically exempted from the training  
5 requirements in sub-subparagraphs b., d., and e.

6         2. The introductory course in child care shall stress,  
7 to the extent possible, an interdisciplinary approach to the  
8 study of children.

9         3. On an annual basis in order to further their child  
10 care skills and, if appropriate, administrative skills, child  
11 care personnel who have fulfilled the requirements for the  
12 child care training shall be required to take an additional 1  
13 continuing education unit ~~approved 8 clock hours~~ of approved  
14 inservice training, or 10 clock hours of an equivalent  
15 training, as determined by the department.

16         4. Child care personnel shall be required to complete  
17 0.5 continuing education unit of approved training or 5 clock  
18 hours of equivalent training, as determined by the department,  
19 in early literacy and language development of children from  
20 birth to 5 years of age one time. The year that this training  
21 is completed, it shall fulfill the 0.5 continuing education  
22 unit or 5 clock hours of the annual training required in  
23 subparagraph 3.

24         ~~5.4.~~ Procedures for ensuring the training of qualified  
25 child care professionals to provide training of child care  
26 personnel, including onsite training, shall be included in the  
27 minimum standards. It is recommended that the state community  
28 child care coordination agencies (central agencies) be  
29 contracted by the department to coordinate such training when  
30 possible. Other district educational resources, such as  
31 community colleges and vocational-technical programs, can be

1 designated in such areas where central agencies may not exist  
2 or are determined not to have the capability to meet the  
3 coordination requirements set forth by the department.

4 ~~6.5.~~ Training requirements shall not apply to certain  
5 occasional or part-time support staff, including, but not  
6 limited to, swimming instructors, piano teachers, dance  
7 instructors, and gymnastics instructors.

8 ~~7.6.~~ The department shall evaluate or contract for an  
9 evaluation for the general purpose of determining the status  
10 of and means to improve staff training requirements and  
11 testing procedures. The evaluation shall be conducted every 2  
12 years. The evaluation shall include, but not be limited to,  
13 determining the availability, quality, scope, and sources of  
14 current staff training; determining the need for specialty  
15 training; and determining ways to increase inservice training  
16 and ways to increase the accessibility, quality, and  
17 cost-effectiveness of current and proposed staff training. The  
18 evaluation methodology shall include a reliable and valid  
19 survey of child care personnel.

20 ~~8.7.~~ The child care operator shall be required to take  
21 basic training in serving children with disabilities within 5  
22 years after employment, either as a part of the introductory  
23 training or the annual 8 hours of inservice training.

24 Section 2. Section 402.312, Florida Statutes, is  
25 amended to read:

26 402.312 License required; injunctive relief.--

27 (1) The operation of a child care facility without a  
28 license, a family day care home without a license or  
29 registration, or a large family child care home without a  
30 license is prohibited. If the department or the local  
31 licensing agency discovers that a child care facility is being

1 operated without a license, a family care care home is being  
2 operated without a license or registration, or a large family  
3 child care home is being operated without a license,the  
4 department or local licensing agency is authorized to seek an  
5 injunction in the circuit court where the facility is located  
6 to enjoin continued operation of such facility, family day  
7 care home, or large family child care home. When the court is  
8 closed for the transaction of judicial business, the  
9 department or local licensing agency is authorized to seek an  
10 emergency injunction to enjoin continued operation of such  
11 unlicensed facility, unregistered or unlicensed family day  
12 care home, or unlicensed large family child care home,which  
13 injunction shall be continued, modified, or revoked on the  
14 next day of judicial business.

15 (2) Other grounds for seeking an injunction to close a  
16 child care facility, family day care home, or a large family  
17 child care home are that:

18 (a) There is any violation of the standards applied  
19 under ss. 402.301-402.319 which threatens harm to any child in  
20 the child care facility, a family day care home, or large  
21 family child care home.

22 (b) A licensee or registrant has repeatedly violated  
23 the standards provided for under ss. 402.301-402.319.

24 (c) A child care facility, family day care home, or  
25 large family child care home continues to have children in  
26 attendance after the closing date established by the  
27 department or the local licensing agency.

28 (3) The department or local licensing agency may  
29 impose an administrative fine on any child care facility,  
30 family day care home, or large family child care home

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1 operating without a license or registration, consistent with  
2 the provisions of s. 402.310.

3 Section 3. Paragraph (a) of subsection (1) of section  
4 402.313, Florida Statutes, is amended, subsections (5) through  
5 (10) are renumbered as subsections (8) through (13),  
6 respectively, and new subsections (5), (6), and (7) are added  
7 to that section, to read:

8 402.313 Family day care homes.--

9 (1) Family day care homes shall be licensed under this  
10 act if they are presently being licensed under an existing  
11 county licensing ordinance, if they are participating in the  
12 subsidized child care program, or if the board of county  
13 commissioners passes a resolution that family day care homes  
14 be licensed. If no county authority exists for the licensing  
15 of a family day care home, the department shall have the  
16 authority to license family day care homes under contract for  
17 the purchase-of-service system in the subsidized child care  
18 program.

19 (a) If not subject to license, family day care homes  
20 shall register annually with the department, providing the  
21 following information:

- 22 1. The name and address of the home.
- 23 2. The name of the operator.
- 24 3. The number of children served.
- 25 4. Proof of a written plan to provide at least one  
26 other competent adult to be available to substitute for the  
27 operator in an emergency. This plan shall include the name,  
28 address, and telephone number of the designated substitute.
- 29 5. Proof of screening and background checks.

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1           6. Proof of successful completion of the 30-hour  
2 training course, as evidenced by passage of a competency  
3 examination, which shall include:

4           a. State and local rules and regulations that govern  
5 child care.

6           b. Health, safety, and nutrition.

7           c. Identifying and reporting child abuse and neglect.

8           d. Child development, including typical and atypical  
9 language development; and cognitive, motor, social, and  
10 self-help skills development.

11          e. Observation of developmental behaviors, including  
12 using a checklist or other similar observation tools and  
13 techniques to determine a child's developmental level.

14          f. Specialized areas, including early literacy and  
15 language development of children from birth to 5 years of age,  
16 as determined by the department, for owner-operators of family  
17 day care homes.

18          7. Proof that immunization records are kept current.

19          8. Proof of completion of the required continuing  
20 education units or clock hours.

21          (5) In order to further develop their child care  
22 skills and, if appropriate, their administrative skills,  
23 operators of family day care homes shall be required to  
24 complete an additional 1 continuing education unit of approved  
25 training or 10 clock hours of equivalent training, as  
26 determined by the department, annually.

27          (6) Operators of family day care homes shall be  
28 required to complete 0.5 continuing education unit of approved  
29 training in early literacy and language development of  
30 children from birth to 5 years of age one time. The year that  
31 this training is completed, it shall fulfill the 0.5

1 continuing education unit or 5 clock hours of the annual  
2 training required in subsection (5).

3 (7) Operators of family day care homes shall be  
4 required annually to complete a health and safety home  
5 inspection self-evaluation checklist developed by the  
6 department in conjunction with the statewide resource and  
7 referral program. The completed checklist shall be signed by  
8 the operator of the family day care home and provided to  
9 parents as certification that basic health and safety  
10 standards are being met.

11 Section 4. Subsections (4) through (6) of section  
12 402.3131, Florida Statutes, are renumbered as subsections (6)  
13 through (8), respectively, and new subsections (4) and (5) are  
14 added to that section to read:

15 402.3131 Large family child care homes.--

16 (4) In order to further develop their child care  
17 skills and, if appropriate, their administrative skills,  
18 operators of large family child care homes who have completed  
19 the required introductory course shall be required to complete  
20 an additional 1 continuing education unit of approved training  
21 or 10 clock hours of equivalent training, as determined by the  
22 department, annually.

23 (5) Operators of large family child care homes shall  
24 be required to complete 0.5 continuing education unit of  
25 approved training or 5 clock hours of equivalent training, as  
26 determined by the department, in early literacy and language  
27 development of children from birth to 5 years of age one time.  
28 The year that this training is completed, it shall fulfill the  
29 0.5 continuing education unit or 5 clock hours of the annual  
30 training required in subsection (4).

31 Section 5. This act shall take effect July 1, 2003.



1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 2446  
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5                   Provides that the newly added topic of literacy and language  
6                   development for children birth to 5 years of age is one of the  
7                   specialized trainings available for both child care center  
8                   personnel and operators of the family day care homes.  
9                   Stipulates that the training on literacy and language  
10                  development is a training required only one time.  
11                  Allows for the annual in-service training to be earned through  
12                  either CEUs or clock hours.  
13                  Permits the proof of completion of the annual training for  
14                  registered family day care homes to include either the CEUs or  
15                  clock hours.  
16                  Requires that the health and safety home inspection  
17                  self-evaluation check list as completed by the operator of  
18                  registered family day care homes be provided to the parents  
19                  instead of to the department as part of the annual  
20                  registration process.  
21                  Authorizes the Department of Children and Families to seek  
22                  injunctive relief if a family day care home operates without  
23                  either a license or a registration or a large family child  
24                  care home operates without a license, or other grounds for  
25                  seeking injunctive relief as is currently available for  
26                  licensed child care home exits.  
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