

By the Committees on Education; Children and Families; and
Senator Wasserman Schultz

304-2514-03

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; requiring the Department of
19 Children and Family Services to adopt rules;
20 providing an effective date.

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

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24 Section 1. Paragraph (d) of subsection (2) of section
25 402.305, Florida Statutes, is amended to read:

26 402.305 Licensing standards; child care facilities.--

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

29 (d) Minimum training requirements for child care
30 personnel.

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1 1. Such minimum standards for training shall ensure
2 that all child care personnel take an approved 40-clock-hour
3 introductory course in child care, which course covers at
4 least the following topic areas:

5 a. State and local rules and regulations which govern
6 child care.

7 b. Health, safety, and nutrition.

8 c. Identifying and reporting child abuse and neglect.

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

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

15 f. Specialized areas, including computer technology
16 for professional and classroom use and early literacy and
17 language development of children from birth to 5 years of age,
18 as determined by the department, for owner-operators and child
19 care personnel of a child care facility.

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21 Within 90 days after employment, child care personnel shall
22 begin training to meet the training requirements. Child care
23 personnel shall successfully complete such training within 1
24 year after the date on which the training began, as evidenced
25 by passage of a competency examination. Successful completion
26 of the 40-clock-hour introductory course shall articulate into
27 community college credit in early childhood education,
28 pursuant to ss. 1007.24 and 1007.25. Exemption from all or a
29 portion of the required training shall be granted to child
30 care personnel based upon educational credentials or passage
31 of competency examinations. Child care personnel possessing a

1 2-year degree or higher that includes 6 college credit hours
2 in early childhood development or child growth and
3 development, or a child development associate credential or an
4 equivalent state-approved child development associate
5 credential, or a child development associate waiver
6 certificate shall be automatically exempted from the training
7 requirements in sub-subparagraphs b., d., and e.

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

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

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

26 ~~5.4.~~ Procedures for ensuring the training of qualified
27 child care professionals to provide training of child care
28 personnel, including onsite training, shall be included in the
29 minimum standards. It is recommended that the state community
30 child care coordination agencies (central agencies) be
31 contracted by the department to coordinate such training when

1 possible. Other district educational resources, such as
2 community colleges and vocational-technical programs, can be
3 designated in such areas where central agencies may not exist
4 or are determined not to have the capability to meet the
5 coordination requirements set forth by the department.

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

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

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

26 Section 2. Section 402.312, Florida Statutes, is
27 amended to read:

28 402.312 License required; injunctive relief.--

29 (1) The operation of a child care facility without a
30 license, a family day care home without a license or
31 registration, or a large family child care home without a

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

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

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

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

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

30 (3) The department or local licensing agency may
31 impose an administrative fine on any child care facility,

1 family day care home, or large family child care home
2 operating without a license or registration, consistent with
3 the provisions of s. 402.310.

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

9 402.313 Family day care homes.--

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

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

- 23 1. The name and address of the home.
- 24 2. The name of the operator.
- 25 3. The number of children served.
- 26 4. Proof of a written plan to provide at least one
27 other competent adult to be available to substitute for the
28 operator in an emergency. This plan shall include the name,
29 address, and telephone number of the designated substitute.
- 30 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).

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1 Section 5. The Department of Children and Family
2 Services shall adopt by rule a definition for child care which
3 distinguishes between child care programs that require child
4 care licensure and after-school programs that do not require
5 licensure.

6 Section 6. This act shall take effect July 1, 2003.

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 CS/Senate Bill 2446

11 The committee substitute makes a technical change and requires
12 the Department of Children and Family Services to establish by
13 rule a definition for child care which distinguishes between
14 child care programs that require child care licensure and
15 after-school programs that do not require licensure.
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