



HB 0521

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A bill to be entitled

An act relating to child care facilities; amending s. 402.3055, F.S.; requiring validation of certain information provided by an applicant for a child care facility license; amending s. 402.301, F.S.; specifying which membership organizations are not considered child care facilities; amending s. 402.310, F.S.; requiring the Department of Children and Family Services to establish and impose uniform penalties relating to child care facility violations; requiring implementation not contingent upon an appropriation; creating s. 402.3105, F.S.; requiring the department to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring implementation not contingent upon an appropriation; amending s. 409.146, F.S., relating to Department of Children and Family Services client and management information; deleting obsolete language; amending ss. 402.26, 402.281, 402.302, and 402.3051, F.S.; deleting references to certain exempt facilities; repealing s. 402.316, F.S., relating to the exemption from state regulation for child care facilities operated by a church or parochial school; providing an effective date.

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



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30 Section 1. Paragraph (a) of subsection (1) of section  
 31 402.3055, Florida Statutes, is amended to read:

32 402.3055 Child care personnel requirements.--

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

34 (a) The department or local licensing agency shall require  
 35 that the application for a child care license contain a question  
 36 that specifically asks the applicant, owner, or operator if he  
 37 or she has ever had a license denied, revoked, or suspended in  
 38 any state or jurisdiction or has been the subject of a  
 39 disciplinary action or been fined while employed in a child care  
 40 facility. The applicant, owner, or operator shall sign an  
 41 affidavit attesting ~~attest~~ to the accuracy of the information  
 42 requested under penalty of perjury.

43 1. If the applicant, owner, or operator admits that he or  
 44 she has been a party in such action, the department or local  
 45 licensing agency shall review the nature of the suspension,  
 46 revocation, disciplinary action, or fine before granting the  
 47 applicant a license to operate a child care facility.

48 2. If the applicant, owner, or operator denies that he or  
 49 she has been a party in such action in Florida, the department  
 50 or local licensing agency shall validate the information  
 51 provided by reviewing statewide child care licensing records to  
 52 determine if the applicant has had a license denied, revoked, or  
 53 suspended or has been the subject of a disciplinary action or  
 54 been fined while employed in a child care facility prior to  
 55 issuing a license.

56 3. If the department or local licensing agency determines  
 57 as the result of such review that it is not in the best interest  
 58 of the state or local jurisdiction for the applicant to be  
 59 licensed, a license shall not be granted.



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60 Section 2. Subsection (6) of section 402.301, Florida  
 61 Statutes, is amended to read:

62 402.301 Child care facilities; legislative intent and  
 63 declaration of purpose and policy.--It is the legislative intent  
 64 to protect the health, safety, and well-being of the children of  
 65 the state and to promote their emotional and intellectual  
 66 development and care. Toward that end:

67 (6) It is further the intent that membership organizations  
 68 that provide child care for school-age children for not more  
 69 than 4 hours per day and are affiliated with national  
 70 organizations ~~which do not provide child care,~~ whose primary  
 71 purpose is providing activities that contribute to the  
 72 development of good character or good sportsmanship or to the  
 73 education or cultural development of minors in this state, and  
 74 that ~~which~~ charge only a nominal annual membership fee, ~~which~~  
 75 are not for profit, and ~~which~~ are certified by their national  
 76 associations as being in compliance with the association's  
 77 minimum standards and procedures, shall not be considered child  
 78 care facilities and, therefore, their personnel shall not be  
 79 required to be screened. Care for children under kindergarten  
 80 age is considered child care and is subject to ss. 402.301-  
 81 402.319.

82 Section 3. Paragraph (c) is added to subsection (1) of  
 83 section 402.310, Florida Statutes, to read:

84 402.310 Disciplinary actions; hearings upon denial,  
 85 suspension, or revocation of license; administrative fines.--

86 (1)

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



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90 paragraph beginning on the effective date of this act, and such  
91 implementation shall not be contingent upon a specific  
92 appropriation therefor.

93 Section 4. Section 402.3105, Florida Statutes, is created  
94 to read:

95 402.3105 Central database on violations, citations, and  
96 penalties imposed against child care facilities.--

97 (1) The Department of Children and Family Services shall  
98 establish and maintain a central database to record and compile  
99 all district information relating to violations, citations, and  
100 penalties imposed against child care facilities regulated by the  
101 department. The database shall be designed by the State  
102 Technology Office, in consultation with the department pursuant  
103 to chapter 282, and the department shall implement, operate, and  
104 maintain the system in accordance with the policies and  
105 procedures established by the office.

106 (2) The database shall be operated in a manner that  
107 enables the department to identify and locate such information  
108 for purposes of monitoring and evaluating the uniformity and  
109 effectiveness of district investigations and enforcement, in  
110 order to ensure compliance of child care facilities with state  
111 regulatory requirements. The database shall further maintain and  
112 produce aggregate statistical reports monitoring patterns of  
113 violations, citations, and penalties, including the classes and  
114 types of violations and any actions taken to suspend or revoke  
115 the license of a child care facility.

116 (3) The information in the database shall serve as a  
117 resource for the evaluation of child care facilities for license  
118 renewal but may not be used for employment screening. The



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119 information in the database shall be made available to the  
120 public upon request.

121 (4) The Department of Children and Family Services shall  
122 implement this section beginning on the effective date of this  
123 act, and such implementation shall not be contingent upon a  
124 specific appropriation therefor.

125 Section 5. Subsection (9) of section 409.146, Florida  
126 Statutes, is amended to read:

127 409.146 Children and families client and management  
128 information system.--

129 (9) The Department of Children and Family Services shall  
130 provide an annual report to the ~~Joint Information Technology~~  
131 ~~Resources Committee. The committee shall review the report and~~  
132 ~~shall forward the report, along with its comments, to the~~  
133 appropriate substantive and appropriations committees of the  
134 House of Representatives and the Senate delineating the  
135 development status of the system and other information necessary  
136 for funding and policy formulation. In developing the system,  
137 the Department of Children and Family Services shall consider  
138 and report on the availability of, and the costs associated with  
139 using, existing software and systems, including, but not limited  
140 to, those that are operational in other states, to meet the  
141 requirements of this section. The department shall also consider  
142 and report on the compatibility of such existing software and  
143 systems with an integrated management information system. The  
144 report shall be submitted no later than December 1 of each year.

145 Section 6. Subsection (6) of section 402.26, Florida  
146 Statutes, is amended to read:

147 402.26 Child care; legislative intent.--



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148 (6) It is the intent of the Legislature that a child care  
 149 facility licensed pursuant to s. 402.305 which ~~or a child care~~  
 150 ~~facility exempt from licensing pursuant to s. 402.316,~~ that  
 151 achieves Gold Seal Quality status pursuant to s. 402.281, be  
 152 considered an educational institution for the purpose of  
 153 qualifying for exemption from ad valorem tax pursuant to s.  
 154 196.198.

155 Section 7. Subsection (2) of section 402.281, Florida  
 156 Statutes, is amended to read:

157 402.281 Gold Seal Quality Care program.--

158 (2) In developing the Gold Seal Quality Care program  
 159 standards, the department shall consult with the Department of  
 160 Education, the Florida Head Start Directors Association, the  
 161 Florida Association of Child Care Management, the Florida Family  
 162 Day Care Association, the Florida Children's Forum, the State  
 163 Coordinating Council for School Readiness Programs, the Early  
 164 Childhood Association of Florida, the National Association for  
 165 Child Development Education, ~~providers receiving exemptions~~  
 166 ~~under s. 402.316,~~ and parents, for the purpose of approving the  
 167 accrediting associations.

168 Section 8. Subsection (3) of section 402.302, Florida  
 169 Statutes, is amended to read:

170 402.302 Definitions.--

171 (3) "Child care personnel" means all owners, operators,  
 172 employees, and volunteers working in a child care facility. The  
 173 term does not include persons who work in a child care facility  
 174 after hours when children are not present or parents of children  
 175 in Head Start. For purposes of screening, the term includes any  
 176 member, over the age of 12 years, of a child care facility  
 177 operator's family, or person, over the age of 12 years, residing



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178 with a child care facility operator if the child care facility  
 179 is located in or adjacent to the home of the operator or if the  
 180 family member of, or person residing with, the child care  
 181 facility operator has any direct contact with the children in  
 182 the facility during its hours of operation. Members of the  
 183 operator's family or persons residing with the operator who are  
 184 between the ages of 12 years and 18 years shall not be required  
 185 to be fingerprinted but shall be screened for delinquency  
 186 records. For purposes of screening, the term shall also include  
 187 persons who work in child care programs which provide care for  
 188 children 15 hours or more each week in public or nonpublic  
 189 schools, summer day camps, or family day care homes, ~~or these~~  
 190 ~~programs otherwise exempted under s. 402.316.~~ The term does not  
 191 include public or nonpublic school personnel who are providing  
 192 care during regular school hours, or after hours for activities  
 193 related to a school's program for grades kindergarten through  
 194 12. A volunteer who assists on an intermittent basis for less  
 195 than 40 hours per month is not included in the term "personnel"  
 196 for the purposes of screening and training, provided that the  
 197 volunteer is under direct and constant supervision by persons  
 198 who meet the personnel requirements of s. 402.305(2). Students  
 199 who observe and participate in a child care facility as a part  
 200 of their required coursework shall not be considered child care  
 201 personnel, provided such observation and participation are on an  
 202 intermittent basis and the students are under direct and  
 203 constant supervision of child care personnel.

204 Section 9. Subsection (2) of section 402.3051, Florida  
 205 Statutes, is amended to read:

206 402.3051 Child care market rate reimbursement; child care  
 207 grants.--



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208 (2) The department shall establish procedures to reimburse  
 209 licensed, ~~exempt,~~ or registered child care providers who hold a  
 210 Gold Seal Quality Care designation at the market rate for child  
 211 care services for children who are eligible to receive  
 212 subsidized child care; and licensed, ~~exempt,~~ or registered child  
 213 care providers at the prevailing market rate for child care  
 214 services for children who are eligible to receive subsidized  
 215 child care, unless prohibited by federal law under s. 402.3015.  
 216 The department shall establish procedures to reimburse providers  
 217 of unregulated child care at not more than 50 percent of the  
 218 market rate. The payment system may not interfere with the  
 219 parents' decision as to the appropriate child care arrangement,  
 220 regardless of the level of available funding for child care. The  
 221 child care program assessment tool may not be used to determine  
 222 reimbursement rates.

223 Section 10. Section 402.316, Florida Statutes, is  
 224 repealed. The repeal of such section is not intended to affect  
 225 the curriculum of any child care facility affected by the  
 226 repeal.

227 Section 11. This act shall take effect July 1, 2003.