

By Senator Wasserman Schultz

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See HB

1 A bill to be entitled
 2 An act relating to child care facilities;
 3 amending s. 402.281, F.S.; revising the
 4 development of Gold Seal Quality Care program
 5 standards; allowing the Department of Children
 6 and Family Services to adopt standards and
 7 procedures by rule; amending s. 402.305, F.S.;
 8 excluding certain child care personnel from
 9 certain training requirements; adding minimum
 10 education requirements for child care
 11 personnel; amending s. 402.313, F.S.; revising
 12 information provided by family day care homes
 13 for registration; requiring operator
 14 substitutes to complete a specified course in
 15 child care prior to caring for children;
 16 providing an effective date.

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

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20 Section 1. Section 402.281, Florida Statutes, is
 21 amended to read:

22 402.281 Gold Seal Quality Care program.--

23 (1) Child care facilities, large family child care
 24 homes, or family day care homes that are accredited by a
 25 national ~~nationally recognized~~ accrediting association whose
 26 standards and renewal requirements substantially meet or
 27 exceed those of the National Association for the Education of
 28 Young Children (NAEYC), the National Association of Family
 29 Child Care, and the National Early Childhood Program
 30 Accreditation Commission shall receive a separate "Gold Seal
 31 Quality Care" designation to operate as a gold seal child care

1 facility, large family child care home, or family day care
2 home.

3 (2) In developing the Gold Seal Quality Care program
4 standards and approving the accrediting associations, the
5 department shall:

6 (a) Provide for a selection of high-quality
7 accrediting associations that adequately reflect the diversity
8 of the full range of child care providers while maintaining
9 the integrity and manageability of the program.

10 (b) Consult with the Florida Partnership for School
11 Readiness, the Department of Education, the Florida Head Start
12 Directors Association, the Florida Association of Child Care
13 Management, the Florida Family Day Care Association, the
14 Florida Children's Forum, the State Coordinating Council for
15 School Readiness Programs, the Early Childhood Association of
16 Florida, the National Association for Child Development
17 Education, providers receiving exemptions under s. 402.316,
18 and parents, for the purpose of approving the accrediting
19 associations.

20 (3) The department may, by rule, adopt standards and
21 procedures necessary for the implementation of the program.

22 Section 2. Paragraph (d) of subsection (2) and
23 subsection (3) of section 402.305, Florida Statutes, are
24 amended, and paragraph (g) is added to subsection (2) of that
25 section, 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 of approved inservice training, or
16 10 clock hours of equivalent training, as determined by the
17 department.

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

27 5. Procedures for ensuring the training of qualified
28 child care professionals to provide training of child care
29 personnel, including onsite training, shall be included in the
30 minimum standards. It is recommended that the state community
31 child care coordination agencies (central agencies) be

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

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

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

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

27 (g) Minimum education requirements for child care
28 personnel. Such minimum education standards shall prohibit a
29 person who has not obtained a high school diploma or high
30 school equivalency diploma pursuant to s. 1003.435 from being
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1 employed as child care personnel as defined in s. 402.302
2 unless:
3 1. Such person is under direct supervision and is not
4 counted for purposes of computing the child-to-staff ratio.
5 2. Such person is not serving in an instructional
6 position and is not counted for purposes of computing the
7 child-to-staff ratio.
8 3. Such person is employed in child care on July 1,
9 2004, and has 10 or more years of documented experience
10 working with children in a child care setting or in a public
11 school between July 1, 1989, and July 1, 2004.
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13 Those child care personnel employed in child care on July 1,
14 2004, who do not possess the required education and who are
15 not exempted from such pursuant to subparagraphs 1.-3. shall
16 have until July 1, 2005, to obtain the required education or
17 shall be prohibited from employment as child care personnel
18 until such time as they are in compliance.
19 (3) MINIMUM STAFF CREDENTIALS.--~~By July 1, 1996,~~For
20 every 20 children in a licensed child care facility, beginning
21 with the first child,if the facility operates 8 hours or more
22 per week, one of the child care personnel in the facility must
23 have:
24 (a) A current child development associate credential;
25 (b) A current child care professional credential,
26 unless the department determines that such child care
27 professional credential is not equivalent to or greater than a
28 child development associate credential; or
29 (c) A current credential that is equivalent to or
30 greater than the credential required in paragraph (a) or
31 paragraph (b).

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The department shall establish by rule those hours of operation, such as during rest periods and transitional periods, when this subsection does not apply.

Section 3. Paragraph (a) of subsection (1) and subsection (4) of section 402.313, Florida Statutes, are amended to read:

402.313 Family day care homes.--

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

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

1. The name and address of the home.
2. The name of the operator.
3. The number of children served.
4. Proof of a written plan to provide at least one other competent adult to act as the operator in his or her absence and to be available to substitute for the operator in an emergency. This plan shall include the name, address, and telephone number of the designated substitute.

1 5. Proof of screening and background checks for all
2 persons subject to screening requirements, including
3 substitutes, prior to caring for children.

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

7 a. State and local rules and regulations that govern
8 child care.

9 b. Health, safety, and nutrition.

10 c. Identifying and reporting child abuse and neglect.

11 d. Child development, including typical and atypical
12 language development; and cognitive, motor, social, and
13 self-help skills development.

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

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

21 7. Proof that immunization records are kept current.

22 8. Proof of completion of the required continuing
23 education units or clock hours.

24 (4) Operators of family day care homes, and their
25 substitutes, must successfully complete an approved
26 30-clock-hour introductory course in child care, as evidenced
27 by passage of a competency examination, before caring for
28 children.

29 Section 4. This act shall take effect July 1, 2004.

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