

By the Committee on Commerce, Economic Opportunities, and  
Consumer Services

310-1025B-04

1                                   A bill to be entitled  
2           An act relating to child development; amending  
3           ss. 20.19, 20.50, 39.001, 39.01, 39.0121, and  
4           39.301, F.S.; conforming provisions to revised  
5           definitions governing child development;  
6           revising definitions for purposes of  
7           proceedings relating to children; deleting  
8           obsolete references to a repealed program;  
9           providing for the adoption of rules; amending  
10          s. 39.5085, F.S.; deleting an obsolete  
11          reference to a repealed program; providing that  
12          certain children in the Relative Caregiver  
13          Program are eligible for school readiness  
14          services; amending s. 39.604, F.S.; conforming  
15          provisions to revised definitions governing  
16          child development; revising requirements of the  
17          Rilya Wilson Act; clarifying that parents or  
18          caregivers may not withdraw certain children  
19          from child development services except under  
20          specified conditions; revising requirements for  
21          the reporting of absences; amending ss.  
22          125.0109 and 166.0445, F.S.; conforming  
23          provisions to revised definitions governing  
24          child development; amending ss. 196.095,  
25          212.08, 220.03, and 220.19, F.S.; conforming  
26          provisions to revised definitions governing  
27          child development; correcting cross-references;  
28          revising definitions for purposes of the  
29          corporate income tax; amending s. 381.0072,  
30          F.S.; conforming provisions to revised  
31          definitions governing child development;

1           correcting a cross-reference; amending s.  
2           400.953, F.S.; correcting a cross-reference;  
3           amending s. 409.1671, F.S.; conforming  
4           provisions to revised definitions governing  
5           child development; correcting cross-references;  
6           clarifying that licensed foster homes may be  
7           dually licensed as child development providers  
8           and receive certain payments; deleting an  
9           obsolete reference to a repealed program;  
10          creating ch. 432, F.S., titled "Child  
11          Development Services," consisting of part I  
12          relating to general provisions, part II  
13          relating to state-funded child development  
14          programs, and part III relating to child  
15          development providers; transferring,  
16          renumbering, and amending s. 402.302, F.S.;  
17          revising and providing definitions for purposes  
18          of child development; correcting  
19          cross-references; creating ss. 432.02 and  
20          432.03, F.S.; creating the Florida Partnership  
21          for School Readiness; providing membership and  
22          meeting requirements; providing for the  
23          partnership's staff, powers and duties, and  
24          rulemaking authority; requiring a report;  
25          assigning the Florida Partnership for School  
26          Readiness to the Agency for Workforce  
27          Innovation; prescribing the agency's duties for  
28          financial administration of the school  
29          readiness system; transferring, renumbering,  
30          and amending s. 411.0105, F.S.; revising  
31          federal lead agency responsibilities; requiring

1 a contract; creating ss. 432.05, 432.06,  
2 432.07, 432.08, and 432.09, F.S.; providing for  
3 the establishment of school readiness  
4 coalitions; providing membership and meeting  
5 requirements; requiring a report; requiring the  
6 adoption of school readiness plans; providing  
7 for the approval of school readiness plans;  
8 authorizing the formation of multicounty  
9 coalitions; requiring the designation of fiscal  
10 agents under certain circumstances; providing  
11 requirements for the distribution and  
12 expenditure of school readiness funds; limiting  
13 expenditures for administrative costs;  
14 establishing competitive procurement  
15 requirements for school readiness coalitions;  
16 authorizing contracts with central agencies and  
17 other qualified entities; transferring,  
18 renumbering, and amending ss. 402.27, 402.3018,  
19 402.3051, and 409.178, F.S.; conforming  
20 provisions to revised definitions; revising  
21 provisions for the statewide resource and  
22 referral network; encouraging child development  
23 providers to serve children with disabilities;  
24 providing for technical assistance to child  
25 development providers; revising definitions for  
26 purposes of child care market rate  
27 reimbursement; revising requirements for  
28 calculating the market rate and prevailing  
29 market rate; requiring the adoption of a  
30 prevailing market-rate schedule; revising  
31 requirements for the Child Care Executive

1 Partnership Program; deleting a short title and  
2 legislative intent; revising requirements for  
3 family income; deleting obsolete references to  
4 a repealed program; requiring the Florida  
5 Partnership for School Readiness to provide for  
6 staff; revising provisions for the  
7 administration of purchasing pools; providing  
8 for the adoption of rules; creating s. 432.14,  
9 F.S.; providing for the resolution of conflicts  
10 with federal requirements; creating ss. 432.31  
11 and 432.32, F.S.; providing a definition for  
12 purposes of state-funded child development  
13 programs; specifying that certain child  
14 development programs are not part of the  
15 public-school system; limiting application of  
16 the chapter; urging the United States Congress  
17 to preserve certain tax credits for families  
18 with children in specified programs;  
19 transferring, renumbering, and amending ss.  
20 402.25 and 411.012, F.S.; conforming provisions  
21 to revised definitions; providing an effective  
22 date for the voluntary universal  
23 prekindergarten education program; deleting  
24 obsolete requirements for a study; creating ss.  
25 432.51, 432.52, 432.53, 432.54, and 432.55,  
26 F.S.; providing requirements for school  
27 readiness programs; establishing program  
28 expectations; providing eligibility  
29 requirements and priorities for participation  
30 in the programs; specifying program elements  
31 and requirements for school readiness services;

1 directing that certain program requirements be  
2 included in school readiness plans; providing  
3 for parental choice in school readiness  
4 programs; providing a definition for purposes  
5 of parental choice; transferring, renumbering,  
6 and amending s. 402.3145, F.S.; revising  
7 requirements for transportation services in  
8 school readiness programs; limiting the use of  
9 school readiness funds; conforming provisions  
10 to revised definitions; authorizing contracts;  
11 deleting obsolete references to a repealed  
12 program; creating s. 432.57, F.S.; providing  
13 accountability requirements for school  
14 readiness programs; requiring the adoption of a  
15 system to measure school readiness and compare  
16 the performance of participants in school  
17 readiness programs to nonparticipants;  
18 requiring the adoption of performance standards  
19 and outcome measures; providing for a school  
20 readiness uniform screening; requiring  
21 performance-based budgeting of school readiness  
22 programs; transferring, renumbering, and  
23 amending ss. 402.3016 and 402.3017, F.S.;  
24 providing requirements for school readiness  
25 quality initiatives; revising requirements for  
26 the Teacher Education and Compensation Helps  
27 scholarship program; establishing requirements  
28 for the Home Instruction for Parents of  
29 Preschool Youngsters program; revising  
30 provisions for Early Head Start collaboration  
31 grants; creating s. 432.71, F.S.; providing

1 definitions for purposes of child development  
2 providers; transferring, renumbering, and  
3 amending ss. 402.30501, 402.3055, and 402.3057,  
4 F.S.; conforming provisions to revised  
5 definitions; revising requirements for child  
6 care personnel; correcting cross-references;  
7 establishing requirements for background  
8 screening, training, and testing of child  
9 development personnel; requiring the adoption  
10 of rules and annual evaluations of training and  
11 testing; providing for the articulation of  
12 certain training into community college credit;  
13 transferring, renumbering, and amending ss.  
14 402.308, 402.309, 402.312, and 402.3125, F.S.;  
15 conforming provisions to revised definitions;  
16 revising requirements for the issuance and  
17 renewal of licenses and provisional licenses  
18 for child development providers; deleting  
19 requirements for the change of ownership of  
20 child care facilities; revising requirements  
21 for the form of a license; correcting  
22 cross-references; deleting requirements for the  
23 display of licenses and citations and for the  
24 distribution of model brochures; transferring,  
25 renumbering, and amending ss. 402.311 and  
26 402.3115, F.S.; conforming provisions to  
27 revised definitions; clarifying requirements  
28 for inspections of child development providers;  
29 correcting cross-references; transferring,  
30 renumbering, and amending s. 402.305, F.S.;  
31 conforming provisions to revised definitions;

1 providing a definition; redesignating child  
2 care facilities as "child care centers";  
3 revising licensing standards, personnel and  
4 training requirements, and staff credentials  
5 for child care centers; requiring child care  
6 centers to display licenses and citations;  
7 requiring the licensure of indoor recreational  
8 centers; providing requirements for drop-in  
9 services; providing for the distribution of  
10 model brochures; deleting requirements for  
11 specialized child care facilities for the care  
12 of mildly ill children; revising requirements  
13 for the transfer of ownership of child care  
14 centers; deleting requirements for certain  
15 notices before the transfer of ownership of  
16 family day care homes; creating s. 432.82,  
17 F.S.; requiring the adoption of rules creating  
18 standards for specialized child care centers  
19 for mildly ill children; transferring,  
20 renumbering, and amending ss. 402.313 and  
21 402.3131, F.S.; conforming provisions to  
22 revised definitions; providing definitions;  
23 redesignating family day care homes as "family  
24 child care homes"; revising requirements for  
25 family child care homes and large family child  
26 care homes; deleting requirements for the  
27 annual publication of a directory of available  
28 child care facilities; requiring certain  
29 notices before the closure of family child care  
30 homes; requiring the adoption of rules;  
31 deleting an obsolete reference to a repealed

1 program; correcting cross-references; requiring  
2 the minimum standards for large family child  
3 care homes to include specified provisions for  
4 vehicles; transferring, renumbering, and  
5 amending ss. 402.3054 and 402.318, F.S.;  
6 conforming provisions to revised definitions;  
7 revising requirements for child enrichment  
8 service providers; revising requirements  
9 prohibiting advertisement of licensed child  
10 development providers except under certain  
11 conditions; providing a penalty; creating s.  
12 432.87, F.S.; providing attendance and  
13 reporting responsibilities under the Rilya  
14 Wilson Act for licensed child development  
15 providers; specifying that licensed providers  
16 failing or refusing to comply with the  
17 attendance and reporting responsibilities are  
18 subject to disciplinary action; transferring,  
19 renumbering, and amending ss. 402.306, 402.307,  
20 402.310, and 402.315, F.S.; conforming  
21 provisions to revised definitions; revising  
22 provisions authorizing disciplinary actions  
23 against child development providers; revising  
24 requirements for the designation and approval  
25 of local licensing agencies; revising  
26 provisions for the collection and allocation of  
27 licensing fees; correcting cross-references;  
28 transferring, renumbering, and amending ss.  
29 402.3025, 402.3045, and 402.316, F.S.;  
30 conforming provisions to revised definitions;  
31 declaring that the freedom of religion is



1           inviolate; clarifying that governmental  
2           agencies are not provided authority to regulate  
3           certain religious services and programs;  
4           revising exemptions for certain religious  
5           centers, membership organizations, after-school  
6           programs, and public and nonpublic schools;  
7           providing that certain membership organizations  
8           are not child development providers; exempting  
9           personnel of the organizations from screening  
10          requirements; correcting cross-references;  
11          revising and providing penalties; transferring,  
12          renumbering, and amending ss. 402.281 and  
13          402.314, F.S.; conforming provisions to revised  
14          definitions; revising requirements for the Gold  
15          Seal Quality Care program and supportive  
16          services; correcting a cross-reference;  
17          specifying that certain child development  
18          providers are educational institutions for  
19          purposes of ad valorem taxation; requiring a  
20          database of available child development  
21          providers; creating s. 432.97, F.S.;  
22          authorizing the adoption of rules;  
23          transferring, renumbering, and amending s.  
24          402.319, F.S.; conforming provisions to revised  
25          definitions; revising and providing penalties;  
26          correcting cross-references; amending s.  
27          445.023, F.S.; clarifying family income  
28          requirements for a program of dependent care  
29          for families with children with special needs;  
30          correcting a cross-reference; amending ss.  
31          490.014 and 491.014, F.S.; deleting obsolete

1 references to a repealed program; correcting  
2 cross-references; conforming provisions to  
3 revised definitions governing child  
4 development; correcting cross-references;  
5 amending ss. 624.5107, 627.70161, and 893.13,  
6 F.S.; conforming provisions to revised  
7 definitions governing child development;  
8 correcting cross-references; revising  
9 definitions for purposes of family child care  
10 insurance; amending ss. 985.04, 985.05, and  
11 1002.42, F.S.; correcting cross-references;  
12 conforming provisions to revised definitions  
13 governing child development; amending s.  
14 1008.21, F.S.; revising requirements for  
15 implementation of the school readiness uniform  
16 screening; amending s. 1009.64, F.S.;  
17 conforming provisions to revised definitions  
18 governing child development; deleting an  
19 obsolete reference to a repealed program;  
20 providing for the type two transfer of the  
21 statewide resource and referral network and the  
22 Child Care Executive Partnership to the Florida  
23 Partnership for School Readiness; repealing ss.  
24 402.26, 402.301, 402.3135, and 411.01, F.S.,  
25 relating to legislative intent and declarations  
26 of public policy, the subsidized child care  
27 case management program, and the School  
28 Readiness Act; providing effective dates.

29  
30 Be It Enacted by the Legislature of the State of Florida:  
31

1           Section 1. Paragraph (b) of subsection (4) of section  
2 20.19, Florida Statutes, is amended to read:

3           20.19 Department of Children and Family  
4 Services.--There is created a Department of Children and  
5 Family Services.

6           (4) PROGRAM OFFICES AND SUPPORT OFFICES.--

7           (b) The following program offices are established:

- 8           1. Adult Services.
- 9           2. Child Development ~~Care~~ Services.
- 10          3. Developmental Disabilities.
- 11          4. Economic Self-Sufficiency Services.
- 12          5. Family Safety.
- 13          6. Mental Health.
- 14          7. Refugee Services.
- 15          8. Substance Abuse.

16          Section 2. Paragraphs (b) and (c) of subsection (2) of  
17 section 20.50, Florida Statutes, are amended to read:

18          20.50 Agency for Workforce Innovation.--There is  
19 created the Agency for Workforce Innovation within the  
20 Department of Management Services. The agency shall be a  
21 separate budget entity, and the director of the agency shall  
22 be the agency head for all purposes. The agency shall not be  
23 subject to control, supervision, or direction by the  
24 Department of Management Services in any manner, including,  
25 but not limited to, personnel, purchasing, transactions  
26 involving real or personal property, and budgetary matters.

27          (2) The Agency for Workforce Innovation shall be the  
28 designated administrative agency for receipt of federal  
29 workforce development grants and other federal funds, and  
30 shall carry out the duties and responsibilities assigned by  
31 the Governor under each federal grant assigned to the agency.

1 The agency shall be a separate budget entity and shall expend  
2 each revenue source as provided by federal and state law and  
3 as provided in plans developed by and agreements with  
4 Workforce Florida, Inc. The agency shall prepare and submit as  
5 a separate budget entity a unified budget request for  
6 workforce development, in accordance with chapter 216 for, and  
7 in conjunction with, Workforce Florida, Inc., and its board.  
8 The head of the agency is the director of Workforce  
9 Innovation, who shall be appointed by the Governor.  
10 Accountability and reporting functions of the agency shall be  
11 administered by the director or his or her designee. Included  
12 in these functions are budget management, financial  
13 management, audit, performance management standards and  
14 controls, assessing outcomes of service delivery, and  
15 financial administration of workforce programs pursuant to s.  
16 445.004(5) and (9). Within the agency's overall organizational  
17 structure, the agency shall include the following offices  
18 which shall have the specified responsibilities:  
19       (b) The Office of Program Support and Accountability  
20 shall administer state merit system program staff within the  
21 workforce service delivery system, under the ~~pursuant to~~  
22 policies of Workforce Florida, Inc. The office shall be  
23 responsible for delivering services through the one-stop  
24 delivery system and for ensuring that participants in welfare  
25 transition programs receive case management services,  
26 diversion assistance, support services, including ~~subsidized~~  
27 child care and transportation services, Medicaid services, and  
28 transition assistance to enable them to succeed in the  
29 workforce. The office shall also be responsible for program  
30 quality assurance, grants and contract management,  
31 contracting, financial management, and reporting. The office

1 shall be directed by the Deputy Director for Program Support  
2 and Accountability, who shall be appointed by and serve at the  
3 pleasure of the director. The office shall be responsible for:

4 1. Establishing monitoring, quality assurance, and  
5 quality improvement systems that routinely assess the quality  
6 and effectiveness of contracted programs and services.

7 2. Annual review of each regional workforce board and  
8 administrative entity to ensure adequate systems of reporting  
9 and control are in place, and monitoring, quality assurance,  
10 and quality improvement activities are conducted routinely,  
11 and corrective action is taken to eliminate deficiencies.

12 (c) The Office of Agency Support Services is ~~shall be~~  
13 responsible for procurement, human resource services, and  
14 information services including delivering information on labor  
15 markets, employment, occupations, and performance, and shall  
16 implement and maintain information systems that are required  
17 for the effective operation of the one-stop delivery system  
18 and the school readiness ~~services~~ system, including, but not  
19 limited to, those systems described in s. 445.009. The office  
20 will be under the direction of the Deputy Director for Agency  
21 Support Services, who shall be appointed by and serve at the  
22 pleasure of the director. The office shall be responsible for  
23 establishing:

24 1. Information systems and controls that report  
25 reliable, timely and accurate fiscal and performance data for  
26 assessing outcomes, service delivery, and financial  
27 administration of workforce programs under ~~pursuant to~~ s.  
28 445.004(5) and (9).

29 2. Information systems that support service  
30 integration and case management by providing for case tracking  
31 for participants in welfare transition programs.

1           3. Information systems that support the school  
2 readiness system services.

3           Section 3. Subsection (7) of section 39.001, Florida  
4 Statutes, is amended to read:

5           39.001 Purposes and intent; personnel standards and  
6 screening.--

7           (7) PLAN FOR COMPREHENSIVE APPROACH.--

8           (a) The department shall develop a state plan for the  
9 prevention of abuse, abandonment, and neglect of children and  
10 shall submit the plan to the Speaker of the House of  
11 Representatives, the President of the Senate, and the Governor  
12 no later than January 1, 1983. The Department of Education and  
13 the Division of Children's Medical Services Prevention and  
14 Intervention of the Department of Health shall participate and  
15 fully cooperate in the development of the state plan at both  
16 the state and local levels. Furthermore, appropriate local  
17 agencies and organizations shall be provided an opportunity to  
18 participate in the development of the state plan at the local  
19 level. Appropriate local groups and organizations shall  
20 include, but not be limited to, community mental health  
21 centers; guardian ad litem programs for children under the  
22 circuit court; the school boards of the local school  
23 districts; the Florida local advocacy councils; private or  
24 public organizations or programs with recognized expertise in  
25 working with children who are sexually abused, physically  
26 abused, emotionally abused, abandoned, or neglected and with  
27 expertise in working with the families of these ~~such~~ children;  
28 private or public programs or organizations with expertise in  
29 maternal and infant health care; multidisciplinary child  
30 protection teams; child development providers ~~day-care~~  
31 ~~centers~~; law enforcement agencies, and the circuit courts,

1 when guardian ad litem programs are not available in the local  
2 area. The state plan to be provided to the Legislature and  
3 the Governor shall include, as a minimum, the information  
4 required of the various groups in paragraph (b).

5 (b) The development of the comprehensive state plan  
6 shall be accomplished in the following manner:

7 1. The department shall establish an interprogram task  
8 force comprised of the Program Director for Family Safety, or  
9 a designee, a representative from the Child Development ~~Care~~  
10 Services Program Office, a representative from the Family  
11 Safety Program Office, a representative from the Mental Health  
12 Program Office, a representative from the Substance Abuse  
13 Program Office, a representative from the Developmental  
14 Disabilities Program Office, and a representative from the  
15 Division of Children's Medical Services Prevention and  
16 Intervention of the Department of Health. Representatives of  
17 the Department of Law Enforcement and of the Department of  
18 Education shall serve as ex officio members of the  
19 interprogram task force. The interprogram task force shall be  
20 responsible for:

21 a. Developing a plan of action for better coordination  
22 and integration of the goals, activities, and funding  
23 pertaining to the prevention of child abuse, abandonment, and  
24 neglect conducted by the department in order to maximize staff  
25 and resources at the state level. The plan of action shall be  
26 included in the state plan.

27 b. Providing a basic format to be used ~~utilized~~ by the  
28 districts in the preparation of local plans of action in order  
29 to provide for uniformity in the district plans and to provide  
30 for greater ease in compiling information for the state plan.

31

1           c. Providing the districts with technical assistance  
2 in the development of local plans of action, if requested.

3           d. Examining the local plans to determine if all the  
4 requirements of the local plans have been met and, if they  
5 have not, informing the districts of the deficiencies and  
6 requesting the additional information needed.

7           e. Preparing the state plan for submission to the  
8 Legislature and the Governor. The ~~Such~~ preparation must ~~shall~~  
9 include the collapsing of information obtained from the local  
10 plans, the cooperative plans with the Department of Education,  
11 and the plan of action for coordination and integration of  
12 departmental activities into one comprehensive plan. The  
13 comprehensive plan shall include a section reflecting general  
14 conditions and needs, an analysis of variations based on  
15 population or geographic areas, identified problems, and  
16 recommendations for change. In essence, the plan shall provide  
17 an analysis and summary of each element of the local plans to  
18 provide a statewide perspective. The plan shall also include  
19 each separate local plan of action.

20           f. Working with the specified state agency in  
21 fulfilling the requirements of subparagraphs 2., 3., 4., and  
22 5.

23           2. The department, the Department of Education, and  
24 the Department of Health shall work together in developing  
25 ways to inform and instruct parents of school children and  
26 appropriate district school personnel in all school districts  
27 in the detection of child abuse, abandonment, and neglect and  
28 in the proper action that should be taken in a suspected case  
29 of child abuse, abandonment, or neglect, and in caring for a  
30 child's needs after a report is made. The plan for  
31 accomplishing this end shall be included in the state plan.



1           3. The department, the Department of Law Enforcement,  
2 and the Department of Health shall work together in developing  
3 ways to inform and instruct appropriate local law enforcement  
4 personnel in the detection of child abuse, abandonment, and  
5 neglect and in the proper action that should be taken in a  
6 suspected case of child abuse, abandonment, or neglect.

7           4. Within existing appropriations, the department  
8 shall work with other appropriate public and private agencies  
9 to emphasize efforts to educate the general public about the  
10 problem of and ways to detect child abuse, abandonment, and  
11 neglect and in the proper action that should be taken in a  
12 suspected case of child abuse, abandonment, or neglect. The  
13 plan for accomplishing this end shall be included in the state  
14 plan.

15           5. The department, the Department of Education, and  
16 the Department of Health shall work together on the  
17 enhancement or adaptation of curriculum materials to assist  
18 instructional personnel in providing instruction through a  
19 multidisciplinary approach on the identification,  
20 intervention, and prevention of child abuse, abandonment, and  
21 neglect. The curriculum materials shall be geared toward a  
22 sequential program of instruction at the four progressional  
23 levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging  
24 all school districts to utilize the curriculum are to be  
25 included in the comprehensive state plan for the prevention of  
26 child abuse, abandonment, and neglect.

27           6. Each district of the department shall develop a  
28 plan for its specific geographical area. The plan developed at  
29 the district level shall be submitted to the interprogram task  
30 force for utilization in preparing the state plan. The  
31 district local plan of action shall be prepared with the

1 involvement and assistance of the local agencies and  
2 organizations listed in paragraph (a), as well as  
3 representatives from those departmental district offices  
4 participating in the treatment and prevention of child abuse,  
5 abandonment, and neglect. In order to accomplish this, the  
6 district administrator in each district shall establish a task  
7 force on the prevention of child abuse, abandonment, and  
8 neglect. The district administrator shall appoint the members  
9 of the task force in accordance with the membership  
10 requirements of this section. In addition, the district  
11 administrator shall ensure that each subdistrict is  
12 represented on the task force; and, if the district does not  
13 have subdistricts, the district administrator shall ensure  
14 that both urban and rural areas are represented on the task  
15 force. The task force shall develop a written statement  
16 clearly identifying its operating procedures, purpose, overall  
17 responsibilities, and method of meeting responsibilities. The  
18 district plan of action to be prepared by the task force shall  
19 include, but shall not be limited to:

20       a. Documentation of the magnitude of the problems of  
21 child abuse, including sexual abuse, physical abuse, and  
22 emotional abuse, and child abandonment and neglect in its  
23 geographical area.

24       b. A description of programs currently serving abused,  
25 abandoned, and neglected children and their families and a  
26 description of programs for the prevention of child abuse,  
27 abandonment, and neglect, including information on the impact,  
28 cost-effectiveness, and sources of funding of such programs.

29       c. A continuum of programs and services necessary for  
30 a comprehensive approach to the prevention of all types of  
31

1 child abuse, abandonment, and neglect as well as a brief  
2 description of such programs and services.

3 d. A description, documentation, and priority ranking  
4 of local needs related to child abuse, abandonment, and  
5 neglect prevention based upon the continuum of programs and  
6 services.

7 e. A plan for steps to be taken in meeting identified  
8 needs, including the coordination and integration of services  
9 to avoid unnecessary duplication and cost, and for alternative  
10 funding strategies for meeting needs through the reallocation  
11 of existing resources, utilization of volunteers, contracting  
12 with local universities for services, and local government or  
13 private agency funding.

14 f. A description of barriers to the accomplishment of  
15 a comprehensive approach to the prevention of child abuse,  
16 abandonment, and neglect.

17 g. Recommendations for changes that can be  
18 accomplished only at the state program level or by legislative  
19 action.

20 Section 4. Subsections (31) and (47) of section 39.01,  
21 Florida Statutes, are amended to read:

22 39.01 Definitions.--When used in this chapter, unless  
23 the context otherwise requires:

24 (31) "Institutional child abuse or neglect" means  
25 situations of known or suspected child abuse or neglect in  
26 which the person allegedly perpetrating the child abuse or  
27 neglect is an employee of a private school, child development  
28 provider other than a public school exempt from licensure  
29 under s. 432.94(1)~~public or private day care center,~~  
30 residential home, institution, facility, or agency or any  
31

1 other person at the ~~such~~ institution responsible for the  
2 child's care.

3 (47) "Other person responsible for a child's welfare"  
4 includes the child's legal guardian, legal custodian, or  
5 foster parent; an employee of a private school, ~~public or~~  
6 ~~private~~ child development provider other than a public school  
7 exempt from licensure under s. 432.94(1)~~day care center~~,  
8 residential home, institution, facility, or agency; or any  
9 other person legally responsible for the child's welfare in a  
10 residential setting; and also includes an adult sitter or  
11 relative entrusted with a child's care. For the purpose of  
12 departmental investigative jurisdiction, this definition does  
13 not include law enforcement officers, or employees of  
14 municipal or county detention facilities or the Department of  
15 Corrections, while acting in an official capacity.

16 Section 5. Subsections (7), (9), and (13) of section  
17 39.0121, Florida Statutes, are amended to read:

18 39.0121 Specific rulemaking authority.--Pursuant to  
19 the requirements of s. 120.536, the department is specifically  
20 authorized to adopt, amend, and repeal administrative rules  
21 which implement or interpret law or policy, or describe the  
22 procedure and practice requirements necessary to implement  
23 this chapter, including, but not limited to, the following:

24 (7) Federal funding requirements and procedures;  
25 foster care and adoption subsidies; and subsidized independent  
26 living; ~~and subsidized child care.~~

27 (9) Licensing, registration, and certification of  
28 child development ~~day care~~ providers, shelter and foster  
29 homes, and residential child-caring and child-placing  
30 agencies.

31

1           (13) Legal and casework management of cases involving  
2 in-home supervision and out-of-home care, including judicial  
3 reviews, administrative reviews, case plans, referrals to  
4 identified services, and any other documentation or procedures  
5 required by federal or state law.

6           Section 6. Paragraph (a) of subsection (14) of section  
7 39.301, Florida Statutes, is amended to read:

8           39.301 Initiation of protective investigations.--

9           (14)(a) If the department or its agent determines that  
10 a child requires immediate or long-term protection through:

11           1. Medical or other health care; or

12           2. Homemaker care, child development services ~~day~~  
13 ~~care~~, protective supervision, or other services to stabilize  
14 the home environment, including intensive family preservation  
15 services through the Family Builders Program or the Intensive  
16 Crisis Counseling Program, or both,

17  
18 the such services shall first be offered for voluntary  
19 acceptance unless there are high-risk factors that may impact  
20 the ability of the parents or legal custodians to exercise  
21 judgment. These ~~Such~~ factors may include the parents' or legal  
22 custodians' young age or history of substance abuse or  
23 domestic violence.

24           Section 7. Paragraph (f) of subsection (2) of section  
25 39.5085, Florida Statutes, is amended, and paragraph (h) is  
26 added to that subsection, to read:

27           39.5085 Relative Caregiver Program.--

28           (2)

29           (f) Within available funding, the Relative Caregiver  
30 Program shall provide relative caregivers with family support  
31 and preservation services, flexible funds in accordance with

1 s. 409.165, ~~subsidized child care~~, and other available  
2 services in order to support the child's safety, growth, and  
3 healthy development. Children living with relative caregivers  
4 who are receiving assistance under this section shall be  
5 eligible for Medicaid coverage.

6 (h) A child for whom financial assistance is provided  
7 under this section shall be eligible for participation in a  
8 school readiness program according to the priorities for  
9 participation established under s. 432.52.

10 Section 8. Section 39.604, Florida Statutes, is  
11 amended to read:

12 39.604 Rilya Wilson Act; short title; legislative  
13 intent; requirements; attendance and reporting  
14 responsibilities.--

15 (1) SHORT TITLE.--This section may be cited as the  
16 "Rilya Wilson Act."

17 (2) LEGISLATIVE INTENT.--The Legislature recognizes  
18 that children who are in the care of the state due to abuse,  
19 neglect, or abandonment are at increased risk of poor school  
20 performance and other behavioral and social problems. It is  
21 the intent of the Legislature that children who are currently  
22 in the care of the state be provided with ~~an~~ age-appropriate  
23 child development services ~~education program~~ to help  
24 ameliorate the negative consequences of abuse, neglect, or  
25 abandonment.

26 (3) REQUIREMENTS.--A child who is age 3 years to  
27 school entry, under court ordered protective supervision or in  
28 the custody of the Family Safety Program Office of the  
29 Department of Children and Family Services or a  
30 community-based lead agency, and enrolled for child  
31 development services provided by ~~in~~ a licensed ~~early education~~

1 ~~or~~ child development provider care program must be enrolled to  
2 participate in the services at least program 5 days per a  
3 week. Notwithstanding ~~the requirements of s. 39.202~~, the  
4 Department of Children and Family Services must notify the  
5 directors or operators of the licensed ~~early education or~~  
6 child development providers care program, subject to the  
7 reporting requirements of this section act, of the enrollment  
8 of any child age 3 years to school entry, under court ordered  
9 protective supervision or in the custody of the Family Safety  
10 Program Office of the Department of Children and Family  
11 Services or a community-based lead agency. The case plan  
12 developed for a child under pursuant to this chapter who is  
13 enrolled for child development services provided by in a  
14 licensed ~~early education or~~ child development provider care  
15 program must contain ~~the~~ participation in the child  
16 development services this program as a required action. An  
17 exemption from participation in services provided by to  
18 participating in the licensed ~~early education or~~ child  
19 development provider at least care program 5 days per a week  
20 may be granted by the court.

21 (4) ATTENDANCE AND REPORTING REQUIREMENTS.--

22 (a) The parent or caregiver with whom a child resides,  
23 if the child is enrolled for services provided by in a  
24 licensed ~~early education or~~ child development provider and if  
25 the child care program who meets the requirements of  
26 subsection (3), may not withdraw the child be withdrawn from  
27 the child development services program without the prior  
28 written approval of the Family Safety Program Office of the  
29 Department of Children and Family Services or the  
30 community-based lead agency.

31

1 (b)1. If a child covered by this section is absent  
2 from the child development services program on a day when he  
3 or she is scheduled ~~supposed~~ to be present, the parent or  
4 caregiver person with whom the child resides must report the  
5 absence to the child development provider program by the end  
6 of the business day. If the ~~person with whom the child~~  
7 ~~resides, whether the parent or caregiver,~~ fails to timely  
8 report the absence, the absence is ~~considered to be~~ unexcused.  
9 Child development providers ~~The program~~ shall report absences  
10 in accordance with s. 432.87 ~~any unexcused absence or seven~~  
11 ~~consecutive excused absences of a child who is enrolled in the~~  
12 ~~program and covered by this act to the local designated staff~~  
13 ~~of the Family Safety Program Office of the Department of~~  
14 ~~Children and Family Services or the community-based lead~~  
15 ~~agency by the end of the business day following the unexcused~~  
16 ~~absence or seventh consecutive excused absence.~~

17 2. The department or community-based lead agency shall  
18 conduct a site visit to the residence of the child upon  
19 receiving a report of two consecutive unexcused absences or  
20 seven consecutive excused absences.

21 3. If the site visit results in a determination that  
22 the child is missing, the department or community-based lead  
23 agency shall report the child as missing to a law enforcement  
24 agency and proceed with the necessary actions to locate the  
25 child under ~~pursuant to~~ procedures for locating missing  
26 children.

27 4. If the site visit results in a determination that  
28 the child is not missing, the parent or caregiver shall be  
29 notified that failure to ensure that the child attends the  
30 child development services provided by the licensed early  
31 ~~education or child development provider care program~~ is a



1 violation of the case plan. If more than two site visits are  
2 conducted under ~~pursuant to~~ this subsection, staff shall  
3 initiate action to notify the court of the parent's ~~parent~~ or  
4 caregiver's noncompliance with the case plan.

5 Section 9. Section 125.0109, Florida Statutes, is  
6 amended to read:

7 125.0109 Family child ~~day~~ care homes; local zoning  
8 regulation.--The operation of a residence as a family child  
9 ~~day~~ care home, as defined by law, registered or licensed with  
10 the Department of Children and Family Services constitutes  
11 ~~shall constitute~~ a valid residential use for purposes of any  
12 local zoning regulations, and ~~no~~ such a regulation may not  
13 ~~shall~~ require the owner or operator of the ~~such~~ family child  
14 ~~day~~ care home to obtain any special exemption or use permit or  
15 waiver, or to pay any special fee in excess of \$50, to operate  
16 in an area zoned for residential use.

17 Section 10. Section 166.0445, Florida Statutes, is  
18 amended to read:

19 166.0445 Family child ~~day~~ care homes; local zoning  
20 regulation.--The operation of a residence as a family child  
21 ~~day~~ care home, as defined by law, registered or licensed with  
22 the Department of Children and Family Services constitutes  
23 ~~shall constitute~~ a valid residential use for purposes of any  
24 local zoning regulations, and ~~no~~ such a regulation may not  
25 ~~shall~~ require the owner or operator of the ~~such~~ family child  
26 ~~day~~ care home to obtain any special exemption or use permit or  
27 waiver, or to pay any special fee in excess of \$50, to operate  
28 in an area zoned for residential use.

29 Section 11. Section 196.095, Florida Statutes, is  
30 amended to read:

31

1           196.095 Exemption for a licensed child care center  
2 facility operating in an enterprise zone.--

3           (1) Any real estate used and owned as a child care  
4 center or specialized child care center for mildly ill  
5 children facility as defined in s. 432.81 or s. 432.82 ~~s.~~  
6 ~~402.302~~ which operates in an enterprise zone under ~~pursuant to~~  
7 chapter 290 is exempt from taxation.

8           (2) To claim the ~~an~~ enterprise zone child care  
9 property tax exemption authorized under subsection (1) ~~by this~~  
10 ~~section~~, a child care center or specialized child care center  
11 for mildly ill children facility must file an application  
12 under oath with the governing body or enterprise zone  
13 development agency having jurisdiction over the enterprise  
14 zone where the ~~child care~~ center is located. Within 10  
15 working days after receipt of an application, the governing  
16 body or enterprise zone development agency shall review the  
17 application to determine if it contains all of the information  
18 required under ~~pursuant to~~ this section and meets the criteria  
19 ~~set out~~ in this section. The governing body or agency shall  
20 certify, as eligible to receive an ad valorem tax exemption,  
21 each application ~~all applications~~ that contains ~~contain~~ the  
22 information required under ~~pursuant to~~ this section and that  
23 meets ~~meet~~ the criteria ~~set out~~ in this section ~~as eligible to~~  
24 ~~receive an ad valorem tax exemption~~. The child care center or  
25 specialized child care center for mildly ill children must  
26 forward ~~shall be responsible for forwarding~~ all application  
27 materials to the governing body or enterprise zone development  
28 agency.

29           (3) The production by a ~~the~~ child care center or  
30 specialized child care center for mildly ill children facility  
31 ~~operator~~ of a current license by the Department of Children

1 and Family Services or local licensing agency, ~~authority~~ and  
2 of certification by the governing body or enterprise zone  
3 where the ~~child care~~ center is located, is prima facie  
4 evidence that the center's ~~child care facility~~ owner is  
5 entitled to the exemption ~~such exemptions~~.

6 Section 12. Paragraph (m) of subsection (5) and  
7 paragraph (j) of subsection (7) of section 212.08, Florida  
8 Statutes, are amended to read:

9 212.08 Sales, rental, use, consumption, distribution,  
10 and storage tax; specified exemptions.--The sale at retail,  
11 the rental, the use, the consumption, the distribution, and  
12 the storage to be used or consumed in this state of the  
13 following are hereby specifically exempt from the tax imposed  
14 by this chapter.

15 (5) EXEMPTIONS; ACCOUNT OF USE.--

16 (m) Educational materials purchased by certain child  
17 care centers ~~facilities~~.--Educational materials, such as glue,  
18 paper, paints, crayons, unique craft items, scissors, books,  
19 and educational toys, purchased by a child care center or  
20 specialized child care center for mildly ill children facility  
21 that meets the minimum standards ~~delineated~~ in s. 432.81 or s.  
22 432.82 ~~s. 402.305~~, is licensed under s. 432.76 ~~s. 402.308~~,  
23 holds a current Gold Seal Quality ~~Care~~ designation under s.  
24 432.95 ~~pursuant to s. 402.281~~, and provides basic health  
25 insurance to all employees are exempt from the taxes imposed  
26 by this chapter. For purposes of this paragraph, the term  
27 "basic health insurance" shall be defined and adopted  
28 ~~promulgated~~ in rules developed jointly by the Department of  
29 Children and Family Services, the Agency for Health Care  
30 Administration, and the Financial Services Commission.

31

1           (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to  
2 any entity by this chapter do not inure to any transaction  
3 that is otherwise taxable under this chapter when payment is  
4 made by a representative or employee of the entity by any  
5 means, including, but not limited to, cash, check, or credit  
6 card, even when that representative or employee is  
7 subsequently reimbursed by the entity. In addition, exemptions  
8 provided to any entity by this subsection do not inure to any  
9 transaction that is otherwise taxable under this chapter  
10 unless the entity has obtained a sales tax exemption  
11 certificate from the department or the entity obtains or  
12 provides other documentation as required by the department.  
13 Eligible purchases or leases made with such a certificate must  
14 be in strict compliance with this subsection and departmental  
15 rules, and any person who makes an exempt purchase with a  
16 certificate that is not in strict compliance with this  
17 subsection and the rules is liable for and shall pay the tax.  
18 The department may adopt rules to administer this subsection.

19           (j) Household fuels.--Also exempt from payment of the  
20 tax imposed by this chapter are sales of utilities to  
21 residential households or owners of residential models in this  
22 state by utility companies who pay the gross receipts tax  
23 imposed under s. 203.01, and sales of fuel to residential  
24 households or owners of residential models, including oil,  
25 kerosene, liquefied petroleum gas, coal, wood, and other fuel  
26 products used in the household or residential model for the  
27 purposes of heating, cooking, lighting, and refrigeration,  
28 regardless of whether such sales of utilities and fuels are  
29 separately metered and billed direct to the residents or are  
30 metered and billed to the landlord. If any part of the utility  
31 or fuel is used for a nonexempt purpose, the entire sale is

1 taxable. The landlord shall provide a separate meter for  
2 nonexempt utility or fuel consumption. For the purposes of  
3 this paragraph, licensed family child ~~day~~ care homes are ~~shall~~  
4 also ~~be~~ exempt.

5 Section 13. Paragraphs (cc) and (dd) of subsection (1)  
6 of section 220.03, Florida Statutes, are amended to read:

7 220.03 Definitions.--

8 (1) SPECIFIC TERMS.--When used in this code, and when  
9 not otherwise distinctly expressed or manifestly incompatible  
10 with the intent thereof, the following terms shall have the  
11 following meanings:

12 (cc) "Child care center ~~facility~~ startup costs" means  
13 expenditures for substantial renovation, equipment, including  
14 playground equipment and kitchen appliances and cooking  
15 equipment, real property, including land and improvements, and  
16 for reduction of debt, made in connection with a child care  
17 center facility as defined in s. 432.81 ~~by s. 402.302~~, or a  
18 specialized child any facility providing daily care center for  
19 ~~to children who are mildly ill~~ children, which is located in  
20 this state on the taxpayer's premises and used by the  
21 employees of the taxpayer.

22 (dd) "Operation of a child care center ~~facility~~" means  
23 operation of a child care center facility as defined in s.  
24 432.81 ~~by s. 402.302~~, or a specialized child any facility  
25 ~~providing daily care center for to children who are mildly ill~~  
26 children, which is located in this state within 5 miles of at  
27 least one place of business of the taxpayer and which is used  
28 by the employees of the taxpayer.

29 Section 14. Paragraph (a) of subsection (1), paragraph  
30 (a) of subsection (2), and paragraph (c) of subsection (4) of  
31 section 220.19, Florida Statutes, are amended to read:

1           220.19 Child care tax credits.--  
2           (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--  
3           (a)1. A credit of 50 percent of the startup costs of  
4 child care centers ~~facilities~~ operated by a corporation for  
5 its employees is allowed against any tax due for a taxable  
6 year under this chapter. A credit against the ~~such~~ tax is  
7 also allowed for the operation of a child care center ~~facility~~  
8 by a corporation for its employees, which credit is in the  
9 amount of \$50 per month for each child enrolled in the center  
10 ~~facility~~.  
11           2. A credit is allowed against any tax due for a  
12 taxable year under this chapter for any taxpayer that makes  
13 payments directly to a child care center ~~facility~~ as defined  
14 in s. 432.81 ~~by s. 402.302~~ which is licensed in accordance  
15 with s. 432.76 and s. 432.81 ~~s. 402.305~~, or to a specialized  
16 child ~~any facility providing daily care~~ center for ~~to children~~  
17 ~~who are~~ mildly ill children, which payments are made in the  
18 name of and for the benefit of an employee of the taxpayer in  
19 this state whose child attends the child care center ~~facility~~  
20 during the employee's working hours. The credit shall be an  
21 amount equal to 50 percent of the amount of the ~~such child~~  
22 ~~care~~ payments made to the center.  
23           (2) ELIGIBILITY REQUIREMENTS.--  
24           (a) A child care center for ~~facility with respect to~~  
25 which a corporation claims a child care tax credit must be a  
26 child care center ~~facility~~ as defined in s. 432.81 which is ~~by~~  
27 ~~s. 402.302 and must be~~ licensed in accordance with s. 432.76  
28 and s. 432.81 ~~s. 402.305~~, or must be a specialized child  
29 ~~facility providing daily care~~ center for ~~to children who are~~  
30 mildly ill children.  
31           (4) ADMINISTRATION.--

1           (c) All approvals for the granting of the tax credit  
2 require prior verification by the Department of Children and  
3 Family Services or local licensing agency that the corporation  
4 meets the licensure requirements as defined in s. 432.81 ~~s.~~  
5 ~~402.302~~ and is currently licensed in accordance with s. 432.76  
6 ~~s. 402.305~~, or is a specialized child facility ~~providing daily~~  
7 ~~care center for to children who are~~ mildly ill children.

8           Section 15. Paragraph (a) of subsection (2) of section  
9 381.0072, Florida Statutes, is amended to read:

10           381.0072 Food service protection.--It shall be the  
11 duty of the Department of Health to adopt and enforce  
12 sanitation rules consistent with law to ensure the protection  
13 of the public from food-borne illness. These rules shall  
14 provide the standards and requirements for the storage,  
15 preparation, serving, or display of food in food service  
16 establishments as defined in this section and which are not  
17 permitted or licensed under chapter 500 or chapter 509.

18           (2) DUTIES.--

19           (a) The department shall adopt rules, including  
20 definitions of terms which are consistent with law prescribing  
21 minimum sanitation standards and manager certification  
22 requirements as prescribed in s. 509.039, and which shall be  
23 enforced in food service establishments as defined in this  
24 section. The sanitation standards must address the  
25 construction, operation, and maintenance of the establishment;  
26 lighting, ventilation, laundry rooms, lockers, use and storage  
27 of toxic materials and cleaning compounds, and first-aid  
28 supplies; plan review; design, construction, installation,  
29 location, maintenance, sanitation, and storage of food  
30 equipment and utensils; employee training, health, hygiene,  
31 and work practices; food supplies, preparation, storage,

1 transportation, and service, including access to the areas  
2 where food is stored or prepared; and sanitary facilities and  
3 controls, including water supply and sewage disposal; plumbing  
4 and toilet facilities; garbage and refuse collection, storage,  
5 and disposal; and vermin control. Public and private schools,  
6 hospitals licensed under chapter 395, nursing homes licensed  
7 under part II of chapter 400, child care centers ~~facilities~~ as  
8 defined in s. 432.81, specialized child care centers for  
9 mildly ill children as defined in s. 432.82, family child care  
10 homes as defined in s. 432.83, large family child care homes  
11 as defined in s. 432.84 ~~s. 402.301~~, and residential facilities  
12 colocated with a nursing home or hospital if all food is  
13 prepared in a central kitchen that complies with nursing or  
14 hospital regulations shall be exempt from the rules developed  
15 for manager certification. The department shall administer a  
16 comprehensive inspection, monitoring, and sampling program to  
17 ensure such standards are maintained. With respect to food  
18 service establishments permitted or licensed under chapter 500  
19 or chapter 509, the department shall assist the Division of  
20 Hotels and Restaurants of the Department of Business and  
21 Professional Regulation and the Department of Agriculture and  
22 Consumer Services with rulemaking by providing technical  
23 information.

24 Section 16. Subsection (3) of section 400.953, Florida  
25 Statutes, is amended to read:

26 400.953 Background screening of home medical equipment  
27 provider personnel.--The agency shall require employment  
28 screening as provided in chapter 435, using the level 1  
29 standards for screening set forth in that chapter, for home  
30 medical equipment provider personnel.

31



1           (3) Proof of compliance with the screening  
2 requirements of s. 110.1127, s. 393.0655, s. 394.4572, s.  
3 397.451, s. 432.73 ~~s. 402.305~~, ~~s. 402.313~~, s. 409.175, s.  
4 464.008, or s. 985.407 or this part must be accepted in lieu  
5 of the requirements of this section if the person has been  
6 continuously employed in the same type of occupation for which  
7 he or she is seeking employment without a breach in service  
8 that exceeds 180 days, the proof of compliance is not more  
9 than 2 years old, and the person has been screened by the  
10 Department of Law Enforcement. An employer or contractor shall  
11 directly provide proof of compliance to another employer or  
12 contractor, and a potential employer or contractor may not  
13 accept any proof of compliance directly from the person  
14 requiring screening. Proof of compliance with the screening  
15 requirements of this section shall be provided, upon request,  
16 to the person screened by the home medical equipment provider.

17           Section 17. Paragraphs (b) and (c) of subsection (5)  
18 of section 409.1671, Florida Statutes, are amended to read:

19           409.1671 Foster care and related services;  
20 privatization.--

21           (5)

22           (b) Substitute care providers who are licensed under  
23 s. 409.175 and have contracted with a lead agency authorized  
24 under this section shall also be authorized to provide  
25 registered or licensed family child day care under s. 432.83  
26 ~~s. 402.313~~, if consistent with federal law and if the home has  
27 met the requirements of s. 432.83 ~~s. 402.313~~.

28           (c) A foster home ~~dually~~ licensed ~~home~~ under this  
29 section may shall be dually licensed as a child development  
30 provider under chapter 432 and may eligible ~~to~~ receive both an  
31 out-of-home care payment and school readiness funds ~~a~~

1 ~~subsidized child care payment~~ for the same child, pursuant to  
2 the extent permitted under federal law. The department may  
3 adopt administrative rules under s. 120.536(1) and s. 120.54  
4 necessary to administer this paragraph.

5 Section 18. The title of chapter 432, Florida  
6 Statutes, is designated as "Child Development Services."

7 Section 19. Part I of chapter 432, Florida Statutes,  
8 shall consist of sections 432.01, 432.02, 432.03, 432.04,  
9 432.05, 432.06, 432.07, 432.08, 432.09, 432.10, 432.11,  
10 432.12, 432.13, and 432.14, Florida Statutes, and the title of  
11 that part is designated as "General Provisions."

12 Section 20. Section 402.302, Florida Statutes, is  
13 transferred, renumbered as section 432.01, Florida Statutes,  
14 and amended to read:

15 432.01 ~~402.302~~ Definitions.--As used in this chapter,  
16 the term:

17 (1) "Central agency" has the same meaning ascribed in  
18 s. 432.09.

19 (2)~~(1)~~ "Child care" means the care, protection, and  
20 supervision of a child, for a period of less than 24 hours a  
21 day on a regular basis, which supplements parental care,  
22 enrichment, and health supervision for the child, in  
23 accordance with the child's his or her individual needs, and  
24 for which a payment, fee, or grant is made for care.

25 (3)~~(2)~~ "Child care center facility" means the type of  
26 child development provider defined in s. 432.81 includes any  
27 child care center or child care arrangement which provides  
28 child care for more than five children unrelated to the  
29 operator and which receives a payment, fee, or grant for any  
30 of the children receiving care, wherever operated, and whether  
31 or not operated for profit. The following are not included:

1           ~~(a) Public schools and nonpublic schools and their~~  
2 ~~integral programs, except as provided in s. 402.3025;~~

3           ~~(b) Summer camps having children in full-time~~  
4 ~~residence;~~

5           ~~(c) Summer day camps;~~

6           ~~(d) Bible schools normally conducted during vacation~~  
7 ~~periods; and~~

8           ~~(e) Operators of transient establishments, as defined~~  
9 ~~in chapter 509, which provide child care services solely for~~  
10 ~~the guests of their establishment or resort, provided that all~~  
11 ~~child care personnel of the establishment are screened~~  
12 ~~according to the level 2 screening requirements of chapter~~  
13 ~~435.~~

14           ~~(4)(3)~~ "Child development care personnel" means all  
15 owners, directors, operators, employees, substitutes, and  
16 volunteers working on the premises of in a child development  
17 provider, except for an informal provider of unregulated child  
18 development services care facility. The term does not include:

19           ~~(a) Persons who work on the premises of in a child~~  
20 ~~development provider care facility after hours when children~~  
21 ~~are not present, or~~

22           ~~(b) Parents of children in a Head Start program. For~~  
23 ~~purposes of screening, the term includes any member, over the~~  
24 ~~age of 12 years, of a child care facility operator's family,~~  
25 ~~or person, over the age of 12 years, residing with a child~~  
26 ~~care facility operator if the child care facility is located~~  
27 ~~in or adjacent to the home of the operator or if the family~~  
28 ~~member of, or person residing with, the child care facility~~  
29 ~~operator has any direct contact with the children in the~~  
30 ~~facility during its hours of operation. Members of the~~  
31 ~~operator's family or persons residing with the operator who~~

1 ~~are between the ages of 12 years and 18 years shall not be~~  
2 ~~required to be fingerprinted but shall be screened for~~  
3 ~~delinquency records. For purposes of screening, the term~~  
4 ~~shall also include persons who work in child care programs~~  
5 ~~which provide care for children 15 hours or more each week in~~  
6 ~~public or nonpublic schools, summer day camps, family day care~~  
7 ~~homes, or those programs otherwise exempted under s. 402.316.~~  
8 ~~The term does not include~~

9 (c) Public or nonpublic school personnel who are  
10 providing child development services ~~care~~ during regular  
11 school hours, or after hours for activities related to a  
12 school's program for grades kindergarten through 12.

13 (d) Volunteers ~~A volunteer~~ who assist ~~assists~~ on an  
14 intermittent basis for less than 40 hours per month ~~is not~~  
15 ~~included in the term "personnel" for the purposes of screening~~  
16 ~~and training, if provided that the~~ volunteers are ~~volunteer is~~  
17 under direct and constant supervision by persons who meet the  
18 personnel requirements of s. 432.81(3)~~s. 402.305(2)~~.

19 (e) Students who observe and participate in the  
20 operations of a child development provider ~~care facility~~ as a  
21 part of the students'~~their~~ required coursework ~~shall not be~~  
22 ~~considered child care personnel, if the~~ provided such  
23 observation and participation are on an intermittent basis and  
24 the students are under direct and constant supervision by ~~of~~  
25 child development ~~care~~ personnel.

26 (5) "Child development program" means each  
27 state-funded program that provides child development services  
28 under this chapter, including the voluntary universal  
29 prekindergarten education program and each coalition's school  
30 readiness program.

31

1           (6) "Child development provider" means a provider of  
2 child development services. The term includes every type of  
3 provider, including child care centers, specialized child care  
4 centers for mildly ill children, family child care homes,  
5 large family child care homes, and informal providers,  
6 regardless of whether a provider is licensed, registered,  
7 exempt from licensure, or unregulated under part III of this  
8 chapter.

9           (7) "Child development services" means early childhood  
10 education or child care, which is provided for a period of  
11 less than 24 hours per day on a regular basis, for which a  
12 payment, fee, or grant is made for services.

13           (8) "Director" means an onsite person ultimately  
14 responsible for the overall operation of a child care center  
15 or specialized child care center for mildly ill children,  
16 regardless of whether he or she is the owner of the center.

17           (9) "Early childhood education" means the enhancement  
18 of a child's ability to make age-appropriate progress in the  
19 development of language and cognitive capabilities, and in the  
20 development of emotional, social, regulatory, and moral  
21 capacities, through education in basic skills as part of a  
22 state-funded child development program created under this  
23 chapter for children from birth to kindergarten eligibility.

24           ~~(4) "Department" means the Department of Children and~~  
25 ~~Family Services.~~

26           ~~(5) "Drop-in child care" means child care provided~~  
27 ~~occasionally in a child care facility in a shopping mall or~~  
28 ~~business establishment where a child is in care for no more~~  
29 ~~than a 4-hour period and the parent remains on the premises of~~  
30 ~~the shopping mall or business establishment at all times.~~

31

1 ~~Drop-in child care arrangements shall meet all requirements~~  
2 ~~for a child care facility unless specifically exempted.~~

3 ~~(6) "Evening child care" means child care provided~~  
4 ~~during the evening hours and may encompass the hours of 6:00~~  
5 ~~p.m. to 7:00 a.m. to accommodate parents who work evenings and~~  
6 ~~late-night shifts.~~

7 ~~(10)(7) "Family child day care home" means the type of~~  
8 ~~child development provider defined in s. 432.83 an occupied~~  
9 ~~residence in which child care is regularly provided for~~  
10 ~~children from at least two unrelated families and which~~  
11 ~~receives a payment, fee, or grant for any of the children~~  
12 ~~receiving care, whether or not operated for profit. A family~~  
13 ~~day care home shall be allowed to provide care for one of the~~  
14 ~~following groups of children, which shall include those~~  
15 ~~children under 13 years of age who are related to the~~  
16 ~~caregiver:~~

17 ~~(a) A maximum of four children from birth to 12 months~~  
18 ~~of age.~~

19 ~~(b) A maximum of three children from birth to 12~~  
20 ~~months of age, and other children, for a maximum total of six~~  
21 ~~children.~~

22 ~~(c) A maximum of six preschool children if all are~~  
23 ~~older than 12 months of age.~~

24 ~~(d) A maximum of 10 children if no more than 5 are~~  
25 ~~preschool age and, of those 5, no more than 2 are under 12~~  
26 ~~months of age.~~

27 ~~(8) "Large family child care home" means an occupied~~  
28 ~~residence in which child care is regularly provided for~~  
29 ~~children from at least two unrelated families, which receives~~  
30 ~~a payment, fee, or grant for any of the children receiving~~  
31 ~~care, whether or not operated for profit, and which has at~~

1 ~~least two full-time child care personnel on the premises~~  
2 ~~during the hours of operation. One of the two full-time child~~  
3 ~~care personnel must be the owner or occupant of the residence.~~  
4 ~~A large family child care home must first have operated as a~~  
5 ~~licensed family day care home for 2 years, with an operator~~  
6 ~~who has had a child development associate credential or its~~  
7 ~~equivalent for 1 year, before seeking licensure as a large~~  
8 ~~family child care home. A large family child care home shall~~  
9 ~~be allowed to provide care for one of the following groups of~~  
10 ~~children, which shall include those children under 13 years of~~  
11 ~~age who are related to the caregiver:~~

12 ~~(a) A maximum of 8 children from birth to 24 months of~~  
13 ~~age.~~

14 ~~(b) A maximum of 12 children, with no more than 4~~  
15 ~~children under 24 months of age.~~

16 ~~(9) "Indoor recreational facility" means an indoor~~  
17 ~~commercial facility which is established for the primary~~  
18 ~~purpose of entertaining children in a planned fitness~~  
19 ~~environment through equipment, games, and activities in~~  
20 ~~conjunction with food service and which provides child care~~  
21 ~~for a particular child no more than 4 hours on any one day. An~~  
22 ~~indoor recreational facility must be licensed as a child care~~  
23 ~~facility under s. 402.305, but is exempt from the minimum~~  
24 ~~outdoor-square-footage-per-child requirement specified in that~~  
25 ~~section, if the indoor recreational facility has, at a~~  
26 ~~minimum, 3,000 square feet of usable indoor floor space.~~

27 ~~(10) "Local licensing agency" means any agency or~~  
28 ~~individual designated by the county to license child care~~  
29 ~~facilities.~~

30 (11) "Informal provider" means a child development  
31 provider that is unregulated under part III of this chapter

1 and, accordingly, is not required to be licensed or registered  
2 under part III of this chapter and is not exempted from  
3 licensure under ss. 432.92-432.94. The term includes an  
4 arrangement in which child development services are provided  
5 by a relative of the child or by another unregulated  
6 caregiver, regardless of whether those services are provided  
7 in the child's residence or at another location.

8 (12) "Kindergarten eligibility" means the age at which  
9 a child is eligible for admission to kindergarten under s.  
10 1003.21(1)(a)2.

11 (13) "Large family child care home" means the type of  
12 child development provider defined in s. 432.84.

13 (14)(11) "Operator" means an ~~any~~ onsite person  
14 ultimately responsible for the overall operation of a family  
15 child care home or large family child care home facility,  
16 regardless of whether ~~or not~~ he or she is the owner ~~or~~  
17 administrator of the home such facility.

18 (15)(12) "Owner" means the person who is licensed or  
19 registered to operate a the child development provider ~~care~~  
20 facility.

21 (16) "School readiness funds" means all state funds  
22 appropriated to the Florida Partnership for School Readiness  
23 and the school readiness coalitions for school readiness  
24 programs and for administration of the school readiness  
25 system. Except as otherwise expressly provided by law, the  
26 term does not include funds provided for the Child Care  
27 Executive Partnership Program under s. 432.13.

28 (17) "School readiness services" means child  
29 development services and other support services provided for a  
30 child and the child's family under a coalition's school  
31 readiness program.



1           (18) "Single point of entry" means an integrated  
2 information system that allows a parent to enroll his or her  
3 child in child development programs at various locations  
4 throughout the county or multicounty region served by a school  
5 readiness coalition, that may allow a parent to enroll his or  
6 her child by telephone or through an Internet website, and  
7 that uses a unified waiting list to track eligible children  
8 waiting for enrollment in available child development  
9 programs.

10           (19) "Specialized child care center for mildly ill  
11 children" means the type of child development provider defined  
12 in rules adopted under s. 432.82.

13           (20) "State funds" means all moneys provided from the  
14 State Treasury, including, but not limited to, the General  
15 Revenue Fund; all federal funds appropriated by the  
16 Legislature, including, but not limited to, the Child Care and  
17 Development Fund Block Grant, the Temporary Assistance for  
18 Needy Families Block Grant, and the Social Services Block  
19 Grant; and all funds used to satisfy maintenance-of-effort or  
20 matching-fund requirements for state or federal funds  
21 appropriated by the Legislature, regardless of the source of  
22 those maintenance-of-effort or matching funds.

23           ~~(13) "Screening" means the act of assessing the~~  
24 ~~background of child care personnel and includes, but is not~~  
25 ~~limited to, employment history checks, local criminal records~~  
26 ~~checks through local law enforcement agencies, fingerprinting~~  
27 ~~for all purposes and checks in this subsection, statewide~~  
28 ~~criminal records checks through the Department of Law~~  
29 ~~Enforcement, and federal criminal records checks through the~~  
30 ~~Federal Bureau of Investigation; except that screening for~~  
31 ~~volunteers included under the definition of personnel includes~~

1 ~~only local criminal records checks through local law~~  
2 ~~enforcement agencies for current residence and residence~~  
3 ~~immediately prior to employment as a volunteer, if different,~~  
4 ~~and statewide criminal records correspondence checks through~~  
5 ~~the Department of Law Enforcement.~~

6 ~~(14) "Secretary" means the Secretary of Children and~~  
7 ~~Family Services.~~

8 ~~(15) "Substantial compliance" means that level of~~  
9 ~~adherence which is sufficient to safeguard the health, safety,~~  
10 ~~and well-being of all children under care. Substantial~~  
11 ~~compliance is greater than minimal adherence but not to the~~  
12 ~~level of absolute adherence. Where a violation or variation~~  
13 ~~is identified as the type which impacts, or can be reasonably~~  
14 ~~expected within 90 days to impact, the health, safety, or~~  
15 ~~well-being of a child, there is no substantial compliance.~~

16 ~~(16) "Weekend child care" means child care provided~~  
17 ~~between the hours of 6 p.m. on Friday and 6 a.m. on Monday.~~

18 Section 21. Section 432.02, Florida Statutes, is  
19 created to read:

20 432.02 Florida Partnership for School Readiness.--

21 (1) CREATION.--The Florida Partnership for School  
22 Readiness is created within the Agency for Workforce  
23 Innovation. The partnership is the principal organization  
24 responsible for enhancement of the child development of the  
25 children in this state, for administration of the state's  
26 child development programs at the state level, and for  
27 coordination of the school readiness coalitions.

28 (2) MEMBERSHIP.--

29 (a) The Florida Partnership for School Readiness shall  
30 be composed of the following members:

31

1           1. The Lieutenant Governor, the Commissioner of  
2 Education, the Secretary of Children and Family Services, and  
3 the Secretary of Health, or their designees. If the Lieutenant  
4 Governor or an agency head appoints a designee, the designee  
5 must be an individual who attends consistently, and, if the  
6 Lieutenant Governor or agency head and his or her designee  
7 both attend a meeting, only one of them may vote.

8           2. The chair of the Child Care Executive Partnership  
9 and the chair of Workforce Florida, Inc.

10           3. Fourteen members of the public who are business,  
11 community, and civic leaders in the state who are not elected  
12 to public office. These members and their families must not  
13 have a direct contract with a school readiness coalition to  
14 provide child development services. The members must be  
15 geographically and demographically representative of the  
16 state. Each member shall be appointed by the Governor from a  
17 list of nominees submitted by the President of the Senate and  
18 the Speaker of the House of Representatives. Four members  
19 shall be appointed as follows: two members shall be from the  
20 child development industry, one representing the private  
21 for-profit sector appointed by the Governor from a list of two  
22 nominees submitted by the President of the Senate and one  
23 representing faith-based providers appointed by the Governor  
24 from a list of two nominees submitted by the Speaker of the  
25 House of Representatives; and two members shall be from the  
26 business community, one appointed by the Governor from a list  
27 of two nominees submitted by the President of the Senate and  
28 one appointed by the Governor from a list of two nominees  
29 submitted by the Speaker of the House of Representatives.  
30 Members shall be appointed to 4-year terms of office.

31

1           (b) The members of the partnership shall annually  
2 elect a chair from the nongovernmental members of the  
3 partnership. A vacancy on the partnership shall be filled in  
4 the same manner as the original appointment.

5           (c) The partnership shall meet at least quarterly, but  
6 may meet as often as necessary to carry out its duties and  
7 responsibilities. The members of the partnership shall  
8 participate without proxy at its meetings. The partnership may  
9 take official action by a majority vote of the members present  
10 at any meeting at which a quorum is present.

11           (d) Each member of the partnership is subject to the  
12 ethics provisions in part III of chapter 112. A member may not  
13 derive any financial benefit from the funds administered by  
14 the Florida Partnership for School Readiness.

15           (e) Members of the partnership shall serve without  
16 compensation, but are entitled to reimbursement for per diem  
17 and travel expenses incurred in the performance of their  
18 duties as provided in s. 112.061, and reimbursement for other  
19 reasonable, necessary, and actual expenses.

20           (f) For the purposes of tort liability, the members of  
21 the partnership and its employees shall be governed by s.  
22 768.28.

23           (3) EXECUTIVE DIRECTOR; STAFF.--The Florida  
24 Partnership for School Readiness shall appoint an executive  
25 director who shall serve at the pleasure of the Governor. The  
26 executive director shall perform the duties assigned to him or  
27 her by the partnership. The executive director shall be  
28 responsible for hiring, subject to the approval of the  
29 partnership, all employees and staff members, who shall serve  
30 under his or her direction and control.

31

1           (4) POWERS AND DUTIES.--The Florida Partnership for  
2 School Readiness has the following powers and duties:

3           (a) To coordinate school readiness programs for  
4 children who are eligible under s. 432.52 and the  
5 programmatic, administrative, and fiscal standards under this  
6 chapter for all providers of state-funded child development  
7 programs.

8           (b) To provide unified leadership for child  
9 development through school readiness coalitions.

10           (c) To provide leadership for the enhancement of child  
11 development in this state by aggressively establishing a  
12 unified approach to the state's efforts toward the enhancement  
13 of child development. In support of this effort, the  
14 partnership may develop and implement specific strategies that  
15 address the state's child development programs.

16           (d) To improve the educational quality of all child  
17 development programs.

18           (e) To safeguard the effective use of federal, state,  
19 local, and private resources in order to achieve the highest  
20 possible level of child development services for the children  
21 in this state.

22           (f) To be responsible for the prudent use of state  
23 funds in accordance with all legal and contractual  
24 requirements.

25           (g) To provide final approval and periodic review of  
26 each school readiness coalition and the coalition's school  
27 readiness plan.

28           (h) To provide technical assistance to school  
29 readiness coalitions.

30           (i) To assess gaps in child development services.  
31

1           (j) To provide technical assistance to counties that  
2 form a multicounty school readiness coalition.

3           (k) To coordinate the efforts toward child development  
4 in this state and provide independent policy analyses and  
5 recommendations to the Governor, the State Board of Education,  
6 and the Legislature.

7           (l) To work with school readiness coalitions to  
8 increase parents' training for, and involvement in, their  
9 children's early childhood education and to provide family  
10 literacy activities and programs.

11           (m) To have all powers necessary to carry out the  
12 purposes of this chapter, including, but not limited to, the  
13 power to receive and accept grants, loans, or advances of  
14 funds from any public or private agency and to receive and  
15 accept from any source contributions of money, property,  
16 labor, or any other thing of value, to be held, used, and  
17 applied for the purposes of this chapter.

18           (5) RULEMAKING AUTHORITY.--The Florida Partnership for  
19 School Readiness may adopt rules under s. 120.536(1) and s.  
20 120.54 to administer the provisions of law conferring duties  
21 upon the partnership, including, but not limited to, rules  
22 governing the preparation and implementation of the school  
23 readiness system, the collection of data, the approval of  
24 school readiness coalitions and plans, the provision of a  
25 method whereby a coalition may serve two or more counties, the  
26 award of incentives to coalitions, and the issuance of  
27 waivers.

28           (6) ANNUAL REPORT.--The Florida Partnership for School  
29 Readiness shall submit an annual report of its activities to  
30 the Governor, the executive director of the Florida Healthy  
31 Kids Corporation, the President of the Senate, the Speaker of

1 the House of Representatives, and the majority and minority  
2 leaders of both houses of the Legislature. In addition, the  
3 partnership's reports and recommendations shall be made  
4 available to the State Board of Education, other appropriate  
5 state agencies and entities, district school boards, and  
6 county health departments. The annual report must provide an  
7 analysis of the school readiness programs across the state,  
8 including the number of children who are served in the  
9 programs and the number of children who were ready for school.  
10 The annual report must also include an analysis of the annual  
11 reports submitted to the partnership by the school readiness  
12 coalitions.

13 Section 22. Section 432.03, Florida Statutes, is  
14 created to read:

15 432.03 Agency for Workforce Innovation; financial  
16 administration of the school readiness system.--

17 (1) The Florida Partnership for School Readiness is  
18 assigned to the Agency for Workforce Innovation for  
19 administrative purposes.

20 (2) The Agency for Workforce Innovation shall  
21 administer school readiness funds, rules, and policies under a  
22 contract with the Florida Partnership for School Readiness.  
23 The contract shall provide that the agency is responsible for  
24 financial management, budget management, contract and grant  
25 management, state and federal reporting requirements, and  
26 financial administration of the school readiness system.

27 (3) The Agency for Workforce Innovation shall issue  
28 fiscal instructions to school readiness coalitions in  
29 accordance with the rules and policies of the Florida  
30 Partnership for School Readiness and with the contract between  
31 the partnership and the agency.

1           (4) The Florida Partnership for School Readiness shall  
2 have a budget and shall be financed through an annual  
3 appropriation made for that purpose in the General  
4 Appropriations Act. The Agency for Workforce Innovation shall  
5 prepare and submit a unified budget request for the school  
6 readiness system in accordance with chapter 216.

7           Section 23. Section 411.0105, Florida Statutes, is  
8 transferred, renumbered as section 432.04, Florida Statutes,  
9 and amended to read:

10           432.04 ~~411.0105~~ Federal Early Learning Opportunities  
11 ~~Act and Even Start Family Literacy Programs~~ lead agency  
12 responsibilities.--

13           (1) The Governor may designate the Florida Partnership  
14 for School Readiness as the lead agency for purposes of  
15 administration of the federal Child Care and Development Fund,  
16 45 C.F.R. parts 98 and 99, and the federal Early Learning  
17 Opportunities Act, 20 U.S.C. ss. 9401-9413. If designated as  
18 the lead agency, the partnership must comply with the lead  
19 agency responsibilities under federal law.

20           (2)(a) For purposes of administration of the William  
21 F. Goodling ~~Early Learning Opportunities Act and the Even~~  
22 Start Family Literacy Programs, 20 U.S.C. ss. 6381-6381k  
23 ~~pursuant to Pub. L. No. 106-554, the Department of Education~~  
24 ~~Agency for Workforce Innovation~~ is designated as the lead  
25 agency and must comply with the lead agency responsibilities  
26 under ~~pursuant to~~ federal law.

27           (b) The Department of Education shall contract with  
28 the Florida Partnership for School Readiness to administer the  
29 William F. Goodling Even Start Family Literacy Programs.

30           Section 24. Section 432.05, Florida Statutes, is  
31 created to read:



- 1           432.05 School readiness coalitions.--  
2           (1) ESTABLISHMENT.--The Florida Partnership for School  
3 Readiness shall establish school readiness coalitions to  
4 administer the state's child development programs at the local  
5 or regional level. Each school readiness coalition shall be  
6 established by the partnership through the approval of a  
7 school readiness plan under s. 432.06.  
8           (2) MEMBERSHIP.--  
9           (a) Each school readiness coalition shall be composed  
10 of at least 18 members, but not more than 25 members. These  
11 members must include the following:  
12           1. A Department of Children and Family Services  
13 district administrator or his or her designee who is  
14 authorized to make decisions on behalf of the department.  
15           2. A district superintendent of schools or his or her  
16 designee who is authorized to make decisions on behalf of the  
17 school district.  
18           3. A regional workforce board chair or executive  
19 director.  
20           4. A county health department director or his or her  
21 designee.  
22           5. A children's services council or juvenile welfare  
23 board chair or executive director, if applicable.  
24           6. A child development licensing agency head.  
25           7. One member appointed by a Department of Children  
26 and Family Services district administrator.  
27           8. One member appointed by a board of county  
28 commissioners.  
29           9. One member appointed by a district school board.  
30           10. A central agency administrator, if applicable.  
31           11. A Head Start director.

1           12. A representative of private child development  
2 providers.

3           13. A representative of faith-based child development  
4 providers.

5  
6 More than one-third of the membership of each school readiness  
7 coalition must be from the private sector, and neither they  
8 nor their families may earn an income from the child  
9 development industry. To meet this requirement, a school  
10 readiness coalition shall appoint additional members from a  
11 list of nominees submitted to the coalition by a chamber of  
12 commerce or economic development council within the geographic  
13 area of the coalition.

14           (b) A multicounty school readiness coalition must  
15 include representation from each county.

16           (c) The terms of all appointed members of a school  
17 readiness coalition shall be staggered. Appointed members may  
18 serve a maximum of two terms. When a vacancy occurs in an  
19 appointed position, the school readiness coalition must  
20 advertise the vacancy.

21           (d) A member of a school readiness coalition may not  
22 appoint a designee to act in his or her place. A member may  
23 send a representative to attend a meeting of the school  
24 readiness coalition on his or her behalf, but the  
25 representative does not have voting privileges. If a district  
26 superintendent of schools or a district administrator for the  
27 Department of Children and Family Services appoints a designee  
28 to a school readiness coalition, the designee is the voting  
29 member of the coalition, and an individual attending in the  
30 designee's place, including the district administrator or  
31 superintendent, does not have voting privileges.

1           (e) Each member of a school readiness coalition is  
2 subject to s. 112.313, s. 112.3135, and s. 112.3143.

3           (f) For the purposes of tort liability, each member or  
4 employee of a school readiness coalition shall be governed by  
5 s. 768.28.

6           (3) EVALUATION AND ANNUAL REPORT.--Each school  
7 readiness coalition shall conduct an annual evaluation of the  
8 effectiveness of its school readiness program, including the  
9 coalition's achievement in meeting the performance standards  
10 and outcome measures adopted by the Florida Partnership for  
11 School Readiness, and shall submit an annual report and fiscal  
12 statement to the partnership. The report must conform to the  
13 content and format specifications established by the  
14 partnership.

15           Section 25. Section 432.06, Florida Statutes, is  
16 created to read:

17           432.06 School readiness plans.--

18           (1) Each school readiness coalition shall adopt a plan  
19 for implementation of its school readiness program which meets  
20 the requirements of this section and the performance standards  
21 and outcome measures adopted by the Florida Partnership for  
22 School Readiness under s. 432.57. Implementation of each  
23 school readiness plan is subject to approval by the  
24 partnership.

25           (2)(a) Before implementation of its school readiness  
26 program, each school readiness coalition must adopt and submit  
27 its school readiness plan for approval by the Florida  
28 Partnership for School Readiness. The partnership shall  
29 approve the plan, reject the plan, or approve the plan with  
30 conditions.

31

1           (b) The partnership shall review each coalition's  
2 school readiness plan at least annually. If a school readiness  
3 coalition does not substantially implement its plan or does  
4 not substantially meet the performance standards or outcome  
5 measures adopted by the partnership, the partnership may  
6 contract with a qualified entity to continue school readiness  
7 services in the coalition's county or multicounty region until  
8 the school readiness coalition is reestablished through the  
9 resubmission of a school readiness plan and approval by the  
10 partnership.

11           (c) Each school readiness coalition must review and  
12 revise its plan at least biennially. A school readiness  
13 coalition may not implement the revisions until it submits the  
14 revised plan to, and receives approval from, the partnership.  
15 If the partnership rejects a revised plan, the school  
16 readiness coalition must continue to operate under its prior  
17 approved plan.

18           (3) Each school readiness plan must be submitted to  
19 the partnership in writing and must include the following  
20 minimum standards and provisions:

21           (a) The business organization of the school readiness  
22 coalition, which must include the coalition's articles of  
23 incorporation and bylaws if the coalition is organized as a  
24 corporation. If the school readiness coalition is not legally  
25 organized as a corporation or other business entity, the plan  
26 must include the contract with a fiscal agent in accordance  
27 with s. 432.07. A school readiness coalition may contract with  
28 other coalitions to achieve efficiency in multicounty  
29 services, and these contracts may be part of the coalition's  
30 school readiness plan.

31

1           (b) The establishment of a local resource and referral  
2 agency that assists parents in making an informed choice of  
3 child development providers as part of the statewide resource  
4 and referral network under s. 432.10.

5           (c) A community plan that addresses the needs of all  
6 eligible children.

7           (d) A single point of entry and unified waiting list  
8 for child development programs.

9           (e) A description of the coalition's school readiness  
10 program, which includes the following:

11           1. The plan must describe the role of the school  
12 readiness program in the coalition's effort to collaborate  
13 with communities and schools as part of a statewide  
14 comprehensive initiative that prepares children and families  
15 for the children's success in school.

16           2. The plan must demonstrate that each 3-year-old and  
17 4-year-old child in the school readiness program will receive  
18 scheduled activities and instruction designed to prepare the  
19 children to enter kindergarten ready to learn, that the  
20 program will achieve the program expectations described in s.  
21 432.51, and that the school readiness services provided under  
22 the program will contain the program elements described in s.  
23 432.53.

24           3. The plan must include provisions for each of the  
25 school readiness program requirements described in s. 432.54.

26           (f) Direct enhancement services for families and  
27 children. These enhancement services shall be in addition to  
28 payments for the placement of children in child development  
29 programs.

30           (g) Nondirect services, including, but not limited to,  
31 the enrollment of children in child development programs,

1 eligibility determination for child development programs,  
2 training of child development providers, and parental support  
3 and involvement.

4 (h) Strategies to meet the needs of unique  
5 populations, such as migrant workers.

6 (4) A school readiness coalition may, subject to  
7 approval by the Florida Partnership for School Readiness as  
8 part of the coalition's school readiness plan, participate in  
9 a child development program as a direct provider of child  
10 development services.

11 (5)(a) As part of its school readiness plan, a school  
12 readiness coalition may request the Governor to apply for a  
13 waiver to allow the coalition to administer the Head Start  
14 program to accomplish the purposes of its school readiness  
15 program.

16 (b) If a school readiness plan demonstrates that  
17 specific statutory goals may be achieved more effectively by  
18 using procedures that require modification of existing rules,  
19 policies, or procedures, the school readiness coalition may  
20 include in the plan a request for a waiver by the Florida  
21 Partnership for School Readiness. Upon review, the partnership  
22 may grant the proposed modification.

23 (6)(a) Two or more counties may join for the purpose  
24 of planning and implementing a school readiness program. If a  
25 school readiness plan would serve fewer than 400  
26 birth-to-kindergarten age children, the school readiness  
27 coalition must either join with another coalition to form a  
28 multicounty coalition, enter an agreement with a fiscal agent  
29 to serve more than one coalition, or demonstrate to the  
30 Florida Partnership for School Readiness the coalition's  
31 ability to effectively and efficiently implement its plan as a

1 single-county coalition and meet all required performance  
2 standards and outcome measures.

3 (b) Coalitions may enter into multiparty contracts  
4 with multicounty service providers in order to meet the needs  
5 of unique populations, such as migrant workers.

6 Section 26. Section 432.07, Florida Statutes, is  
7 created to read:

8 432.07 Fiscal agents.--If a school readiness coalition  
9 is not legally organized as a corporation or other business  
10 entity, the coalition must designate a fiscal agent, which may  
11 be a public entity or a private nonprofit organization. Each  
12 fiscal agent must provide financial and administrative  
13 services under a contract or agreement with the school  
14 readiness coalition. A fiscal agent may not provide direct  
15 child development services; however, a fiscal agent may  
16 provide direct services upon written request of the coalition  
17 to the Florida Partnership for School Readiness and approval  
18 by the partnership. The cost of the financial and  
19 administrative services shall be negotiated between the fiscal  
20 agent and the school readiness coalition. If the fiscal agent  
21 is a provider of child development services, the contract must  
22 specify that the fiscal agent will act on policy direction  
23 from the coalition and will not receive policy direction from  
24 its own corporate board regarding the disbursement of coalition  
25 funds. The fiscal agent shall disburse funds in accordance  
26 with the coalition's approved school readiness plan and based  
27 on billing and disbursement procedures approved by the Florida  
28 Partnership for School Readiness. The fiscal agent must  
29 conform to all data-reporting requirements established by the  
30 partnership.

31

1           Section 27. Section 432.08, Florida Statutes, is  
2 created to read:

3           432.08 School readiness funds; competitive  
4 procurement.--

5           (1)(a) The Florida Partnership for School Readiness  
6 shall annually distribute all available school readiness funds  
7 to each school readiness coalition as a block grant in  
8 accordance with the equity and performance allocation formula  
9 approved under s. 432.57.

10           (b) School readiness funds may only be used to  
11 implement the coalition's school readiness program as  
12 described in its school readiness plan. School readiness funds  
13 may not be used for the construction of new facilities and may  
14 only be used for transportation services in accordance with s.  
15 432.56.

16           (c) As part of the approval and periodic review of  
17 each coalition's school readiness plan, the Florida  
18 Partnership for School Readiness shall require that  
19 administrative costs be kept to the minimum necessary for the  
20 efficient and effective administration of the coalition's  
21 school readiness program, but that administrative expenditures  
22 of school readiness funds may not exceed 5 percent of the  
23 coalition's total expenditures of school readiness funds,  
24 unless specifically waived by the partnership. The partnership  
25 shall annually report to the Legislature any problems relating  
26 to administrative costs.

27           (2) The Chief Financial Officer shall establish an  
28 electronic transfer system for the disbursement of state funds  
29 to pay child development providers for child development  
30 services provided as part of a school readiness coalition's  
31 state-funded child development programs. Each school readiness



1 coalition shall fully implement the electronic funds transfer  
2 system within 2 years after the initial approval of the  
3 coalition's school readiness plan, unless a waiver is obtained  
4 from the Florida Partnership for School Readiness.

5 (3) Each school readiness coalition must comply with  
6 s. 287.057 for the procurement from state funds of commodities  
7 or contractual services. The period of a contract for purchase  
8 of these commodities or contractual services, together with  
9 any renewal of the original contract, may not exceed 3 years.

10 Section 28. Section 432.09, Florida Statutes, is  
11 created to read:

12 432.09 Central agencies.--

13 (1) As used in this section, the term "central agency"  
14 means a community child care coordinating agency, which was  
15 established under the former subsidized child care program of  
16 the Department of Children and Family Services, or a successor  
17 agency.

18 (2) Each school readiness coalition may contract with  
19 a central agency or other qualified entities to perform any of  
20 the duties assigned to the coalition under this chapter;  
21 however, the school readiness coalition has ultimate  
22 responsibility for the performance of these duties. Contracts  
23 awarded under this section must comply with the competitive  
24 procurement requirements in s. 432.08.

25 Section 29. Section 402.27, Florida Statutes, is  
26 transferred, renumbered as section 432.10, Florida Statutes,  
27 and amended to read:

28 432.10 ~~402.27~~ Child development care and early  
29 childhood resource and referral.--The Florida Partnership for  
30 School Readiness ~~Department of Children and Family Services~~  
31 shall establish a statewide ~~child care~~ resource and referral

1 network. The network shall be composed of a state resource and  
2 referral agency and a system of local agencies. Preference  
3 ~~shall be given to using the already established central~~  
4 ~~agencies for subsidized child care as the child care resource~~  
5 ~~and referral agency. If the agency cannot comply with the~~  
6 ~~requirements to offer the resource information component or~~  
7 ~~does not want to offer that service,The partnership~~  
8 ~~Department of Children and Family Services shall select the~~  
9 state resource and referral information agency using based  
10 ~~upon a request for proposals proposal. Each school readiness~~  
11 coalition shall establish at least one local child care  
12 ~~resource and referral agency must be established in each~~  
13 ~~district of the county or multicounty region served by the~~  
14 coalition department, but no more than one local agency may be  
15 established in a any county. ~~Child care~~ Resource and referral  
16 agencies shall provide the following services:

17 (1) Identification of existing public and private  
18 child development providers care and early childhood education  
19 ~~services, including child care services by public and private~~  
20 ~~employers, and the development of a database resource file of~~  
21 ~~those providers services. These providers services may include~~  
22 a child development provider that is licensed, exempt from  
23 licensure, or registered under part III of this chapter; a  
24 provider participating in the voluntary universal  
25 prekindergarten education program; a provider participating in  
26 a coalition's school readiness program; a ~~family day care,~~  
27 ~~public and private child care programs,Head Start program;7~~  
28 ~~prekindergarten early intervention programs, special education~~  
29 ~~programs for prekindergarten handicapped children with~~  
30 disabilities;7services for children with developmental  
31 disabilities;7full-time and part-time programs;7

1 before-school and after-school programs; ~~vacation care~~  
2 programs; ~~parent education; a welfare transition, the WAGES~~  
3 program; ~~and related family support services.~~ The database  
4 ~~resource file~~ shall include, but not be limited to, the  
5 following information:

6 (a) Type of child development provider program.  
7 (b) Hours of service.  
8 (c) Ages of children served.  
9 (d) Number of children served.  
10 (e) Significant program information.  
11 (f) Fees and eligibility for services.  
12 (g) Availability of transportation.

13 (2) The establishment of a referral process that ~~which~~  
14 responds to parental need for information and that ~~which~~ is  
15 provided with full recognition of the confidentiality rights  
16 of parents. Resource and referral agencies may only programs  
17 ~~shall~~ make referrals to licensed child development providers,  
18 except that a referral may care facilities. ~~Referrals shall~~  
19 be made to an unlicensed provider child care facility or  
20 ~~arrangement only if there is no requirement that the provider~~  
21 is not required to facility or arrangement be licensed.

22 (3) Maintenance of ongoing documentation of requests  
23 for service tabulated through the internal referral process.  
24 The following documentation of requests for service shall be  
25 maintained by each all child care resource and referral agency  
26 agencies:

27 (a) Number of calls and contacts to the resource child  
28 ~~care information~~ and referral agency component by the type of  
29 child development provider service requested.

30 (b) Ages of children for whom child development  
31 services are service was requested.

1 (c) Time category of child development ~~care~~ requests  
2 for each child.

3 (d) Special time category, such as nights, weekends,  
4 and swing shifts ~~shift~~.

5 (e) Reason that ~~the~~ child development services are  
6 ~~care is~~ needed.

7 (f) Name of the employer and primary focus of the  
8 business.

9 (4) Provision of technical assistance to existing and  
10 potential child development providers ~~of child care services~~.  
11 This assistance may include:

12 (a) Information on initiating new child development  
13 ~~care~~ services, zoning, and program and budget development and  
14 assistance in finding the ~~such~~ information from other sources.

15 (b) Information and resources that assist ~~which help~~  
16 existing child development ~~care services~~ providers to maximize  
17 their ability to serve children and parents in their  
18 community.

19 (c) Information and incentives that may assist ~~which~~  
20 ~~could help~~ existing or planned child development ~~care~~ services  
21 offered by public or private employers seeking to maximize  
22 their ability to serve the children of their ~~working parent~~  
23 employees who are working parents in their community, through  
24 contractual or other funding arrangements with businesses.

25 (5) Assistance to families and employers in applying  
26 for various child development programs, ~~sources of subsidy~~  
27 including, but not limited to, the voluntary universal  
28 prekindergarten education program; a coalition's school  
29 readiness program; a subsidized child care, Head Start  
30 program; ~~prekindergarten early intervention programs, Project~~  
31

1 ~~Independence~~, private scholarships; ~~and~~ the federal child and  
2 dependent care tax credit.

3 (6) Assistance to state agencies in determining the  
4 prevailing market rate for child development services ~~care~~.

5 (7) Assistance in negotiating discounts or other  
6 special arrangements with child development ~~care~~ providers.

7 (8) Information and assistance to local interagency  
8 councils coordinating services for prekindergarten ~~handicapped~~  
9 children with disabilities.

10 (9) Assistance to families in identifying summer  
11 recreation camp and summer day camp programs and in evaluating  
12 the health and safety qualities of summer recreation camp, ~~and~~  
13 summer day camp, ~~programs and in evaluating the health and~~  
14 ~~safety qualities of~~ summer camp programs. Subject to  
15 legislative ~~Contingent upon specific~~ appropriation, a  
16 checklist of important health and safety qualities that  
17 parents may ~~can~~ use to choose their summer camp programs shall  
18 be developed and distributed in a manner that will reach  
19 parents interested in these ~~such~~ programs for their children.

20 (10) Each ~~A~~ child development provider ~~care facility~~  
21 licensed or registered under part III of this chapter ~~s.~~  
22 ~~402.305 and licensed and registered family day care homes~~ must  
23 provide the local ~~statewide~~ child care and resource and  
24 referral agency ~~agencies~~ with the following information  
25 annually:

26 (a) Type of child development provider program.  
27 (b) Hours of service.  
28 (c) Ages of children served.  
29 (d) Fees and eligibility for services.  
30  
31

1           Section 30. Section 402.3018, Florida Statutes, is  
2 transferred, renumbered as section 432.11, Florida Statutes,  
3 and amended to read:

4           432.11 ~~402.3018~~ Consultation to child development  
5 providers ~~care centers and family day care homes~~ regarding  
6 health, developmental, disability, and special needs issues.--

7           (1) Child development providers are encouraged to  
8 serve children with disabilities. The Florida Partnership for  
9 School Readiness, when requested, shall provide technical  
10 assistance to parents and child development providers in order  
11 to facilitate serving children with disabilities.

12           ~~(2)~~(1) Subject to legislative appropriation ~~Contingent~~  
13 ~~upon specific appropriations, the partnership shall~~ department  
14 ~~is directed to~~ contract with the state ~~statewide~~ resource  
15 information and referral agency for a statewide toll-free  
16 Warm-Line for the purpose of providing assistance and  
17 consultation to child development providers ~~care centers and~~  
18 ~~family day care homes~~ regarding health, developmental,  
19 disability, and special needs issues of the children they are  
20 serving, particularly children with disabilities and other  
21 special needs.

22           ~~(3)~~(2) The purpose of the Warm-Line is to provide  
23 advice to child development ~~care~~ personnel concerning  
24 strategies, curriculum, and environmental adaptations that  
25 allow a child to derive maximum benefit from receiving the  
26 child development services ~~care experience~~.

27           ~~(4)~~(3) The school readiness coalitions, coordinated by  
28 the partnership, ~~department~~ shall annually inform child  
29 development providers ~~care centers and family day care homes~~  
30 of the availability of this service, ~~on an annual basis~~.

31

1           ~~(5)(4)~~ Subject to legislative appropriation ~~Contingent~~  
2 ~~upon specific appropriations~~, the partnership department shall  
3 ~~expand, or contract for the expansion of, the Warm-Line from~~  
4 ~~one statewide site to one Warm-Line site in each~~ county or  
5 ~~multicounty child care resource and referral agency region~~  
6 ~~served by a school readiness coalition.~~

7           ~~(6)(5)~~ Each county or regional Warm-Line shall provide  
8 assistance and consultation to child development providers  
9 ~~care centers and family day care homes~~ regarding health,  
10 developmental, disability, and special needs issues of the  
11 children they are serving, particularly children with  
12 disabilities and other special needs. County or regional  
13 Warm-Line staff shall provide onsite technical assistance,  
14 when requested, to assist child development providers ~~care~~  
15 ~~centers and family day care homes~~ with inquiries relative to  
16 the strategies, curriculum, and environmental adaptations the  
17 child development providers ~~care centers and family day care~~  
18 ~~homes~~ may need as they serve children with disabilities and  
19 other special needs.

20           Section 31. Section 402.3051, Florida Statutes, is  
21 transferred, renumbered as section 432.12, Florida Statutes,  
22 and amended to read:

23           432.12 ~~402.3051~~ Prevailing market-rate schedule ~~Child~~  
24 ~~care market rate reimbursement; child development care~~  
25 grants.--

26           (1) As used in this section, the term:

27           ~~(a) "Child care program assessment tool" means an~~  
28 ~~assessment instrument designated or developed by the~~  
29 ~~department to determine quality child care and other child~~  
30 ~~development services to children under the provision of s.~~

1 ~~402.3015, Title IV-A of the Social Security Act, and the Child~~  
2 ~~Care and Development Block Grant Act of 1990.~~

3       ~~(a)(b)~~ "Market rate" means the price that a child  
4 development care provider charges for daily, weekly, or  
5 monthly child development care services. The market rate  
6 shall:

7           1. Be established for licensed child care centers,  
8 child care centers exempt from licensure, licensed specialized  
9 child care centers for mildly ill children facilities~~or~~  
10 ~~facilities that are not subject to s. 402.305, licensed large~~  
11 family child care homes, licensed or registered family child  
12 ~~day~~ care homes, licensed before-school and after-school child  
13 ~~care~~ programs, and informal providers of unregulated child  
14 development services ~~care provided by a relative or other~~  
15 ~~caretaker.~~

16           2. Differentiate between ~~among~~ child development  
17 services ~~care~~ for children with special needs ~~or risk~~  
18 ~~categories,~~ infants, toddlers, ~~and~~ preschool children, and  
19 school-age children.

20           3. Differentiate between full-time and part-time  
21 services ~~care.~~

22           4. Consider reductions in the cost of services ~~care~~  
23 for additional children in the same family.

24       ~~(b)(c)~~ "Prevailing market rate" means the annually  
25 determined 75th percentile of a reasonable frequency  
26 distribution of market rate in a predetermined geographic  
27 market at which ~~licensed~~ child development care providers  
28 charge a person for child development care services.

29           (2) The Florida Partnership for School Readiness  
30 ~~department~~ shall establish procedures for the adoption of a  
31 prevailing market-rate schedule, which shall be considered by



1 each school readiness coalition when the coalition adopts its  
2 payment schedule under s. 432.54. The prevailing market-rate  
3 schedule shall comprise county-by-county rates for:to  
4 reimburse

5 (a) Licensed, exempt, or registered child development  
6 care providers that who hold a current Gold Seal Quality Care  
7 designation at 120 percent of the prevailing market rate for  
8 child development care services for children who are eligible  
9 to participate in a school readiness program under s. 432.52  
10 receive subsidized child care; and

11 (b) Licensed, exempt, or registered child development  
12 care providers at the prevailing market rate for child  
13 development care services for children who are eligible to  
14 participate in a school readiness program under s. 432.52  
15 receive subsidized child care, unless prohibited by federal  
16 law under s. 402.3015. The department shall establish  
17 procedures to reimburse providers of unregulated child care at  
18 not more than 50 percent of the market rate.

19  
20 The prevailing market-rate schedule adopted under this  
21 subsection payment system may not interfere with the parental  
22 choice of parents' decision as to the appropriate child  
23 development providers under s. 432.55 care arrangement,  
24 regardless of the level of available funding for child  
25 development programs care. The prevailing market-rate schedule  
26 must be based exclusively on the costs and prices charged for  
27 child development services and must not be based on any care  
28 program assessment tool may not be used to evaluate child  
29 development providers determine reimbursement rates.

30 (3) The partnership department may provide child  
31 development care grants to school readiness coalitions,

1 central agencies, community colleges, and career and technical  
2 education vocational/technical programs for the purpose of  
3 providing support and technical assistance to licensed child  
4 development care providers.

5 (4) The partnership department may contract, using a  
6 request for proposals, with a qualified entity use the state  
7 community child care coordination agencies (central agencies),  
8 community colleges, and vocational/technical programs to  
9 administer implement this section.

10 (5) The partnership department may adopt rules under  
11 s. 120.536(1)and s. 120.54 other policy provisions necessary  
12 to administer implement this section.

13 (6) This section shall be implemented only to the  
14 extent that funding is available.

15 Section 32. Section 409.178, Florida Statutes, is  
16 transferred, renumbered as section 432.13, Florida Statutes,  
17 and amended to read:

18 432.13 409.178 Child Care Executive Partnership Act/  
19 ~~findings and intent; grant; limitation; rules.--~~

20 (1) ~~This section may be cited as the "Child Care~~  
21 ~~Executive Partnership Act."~~

22 (2)(a) ~~The Legislature finds that when private~~  
23 ~~employers provide onsite child care or provide other child~~  
24 ~~care benefits, they benefit by improved recruitment and higher~~  
25 ~~retention rates for employees, lower absenteeism, and improved~~  
26 ~~employee morale. The Legislature also finds that there are~~  
27 ~~many ways in which private employers can provide child care~~  
28 ~~assistance to employees: information and referral, vouchering,~~  
29 ~~employer contribution to child care programs, and onsite care.~~  
30 ~~Private employers can offer child care as part of a menu of~~  
31 ~~employee benefits. The Legislature recognizes that flexible~~

1 ~~compensation programs providing a child care option are~~  
2 ~~beneficial to the private employer through increased~~  
3 ~~productivity, to the private employee in knowing that his or~~  
4 ~~her children are being cared for in a safe and nurturing~~  
5 ~~environment, and to the state in more dollars being available~~  
6 ~~for purchasing power and investment.~~

7 ~~(b) It is the intent of the Legislature to promote~~  
8 ~~public/private partnerships to ensure that the children of the~~  
9 ~~state be provided safe and enriching child care at any time,~~  
10 ~~but especially while parents work to remain self-sufficient.~~  
11 ~~It is the intent of the Legislature that private employers be~~  
12 ~~encouraged to participate in the future of this state by~~  
13 ~~providing employee child care benefits. Further, it is the~~  
14 ~~intent of the Legislature to encourage private employers to~~  
15 ~~explore innovative ways to assist employees to obtain quality~~  
16 ~~child care.~~

17 ~~(c) The Legislature further recognizes that many~~  
18 ~~parents need assistance in paying the full costs of quality~~  
19 ~~child care. The public and private sectors, by working in~~  
20 ~~partnership, can promote and improve access to quality child~~  
21 ~~care and early education for children of working families who~~  
22 ~~need it. Therefore, a more formal mechanism is necessary to~~  
23 ~~stimulate the establishment of public-private partnerships. It~~  
24 ~~is the intent of the Legislature to expand the availability of~~  
25 ~~scholarship options for working families by providing~~  
26 ~~incentives for employers to contribute to meeting the needs of~~  
27 ~~their employees' families through matching public dollars~~  
28 ~~available for child care.~~

29 ~~(1)(a)(3)~~ There is created as a body politic and  
30 corporate known as the Child Care Executive Partnership, which  
31

1 shall establish and govern the Child Care Executive  
2 Partnership Program.

3       **(b)** The purpose of the Child Care Executive  
4 Partnership Program is to use ~~utilize~~ state and federal funds  
5 as incentives for matching local funds derived from local  
6 governments, employers, charitable foundations, and other  
7 sources, in order ~~so~~ that ~~Florida~~ communities in this state  
8 may create local flexible partnerships with employers.

9       **(c)** The Child Care Executive Partnership Program funds  
10 shall be used at the discretion of local communities to meet  
11 the needs of working parents. A child development care  
12 purchasing pool shall be developed with ~~the~~ state, federal,  
13 and local funds to provide subsidies to low-income working  
14 parents whose family income does not exceed 200 percent of the  
15 federal poverty level ~~who are eligible for subsidized child~~  
16 ~~care~~ with a dollar-for-dollar match from employers, local  
17 government, and other matching contributions. The funds used  
18 from the child development care purchasing pool must be used  
19 to supplement or extend the use of existing public or private  
20 funds.

21       **(2)(4)** ~~The Child Care Executive Partnership, staffed~~  
22 ~~by the department,~~ shall consist of a representative of the  
23 Executive Office of the Governor and nine members of the  
24 corporate or child development care community, appointed by  
25 the Governor.

26       (a) Members shall serve for a period of 4 years,  
27 except that the representative of the Executive Office of the  
28 Governor shall serve at the pleasure of the Governor.

29       (b) The Child Care Executive Partnership shall be  
30 chaired by a member chosen by a majority vote and shall meet  
31

1 at least quarterly and at other times upon the call of the  
2 chair.

3 (c) Members shall serve without compensation, but may  
4 be reimbursed for per diem and travel expenses in accordance  
5 with s. 112.061.

6 (d) The Child Care Executive Partnership shall have  
7 all ~~the~~ powers and authority, not explicitly prohibited by law  
8 ~~statute~~, necessary to administer ~~carry out and effectuate the~~  
9 ~~purposes of this section, as well as the functions, duties,~~  
10 ~~and responsibilities of the partnership,~~ including, but not  
11 limited to, the following:

12 1. Assisting in the formulation and coordination of  
13 the state's child development ~~care~~ policy.

14 2. Adopting an official seal.

15 3. Soliciting, accepting, receiving, investing, and  
16 expending funds from public or private sources.

17 4. Contracting with public or private entities, as  
18 necessary.

19 5. Approving an annual budget.

20 6. Carrying forward any unexpended state  
21 appropriations into succeeding fiscal years.

22 7. Providing a report to the Governor, the Speaker of  
23 the House of Representatives, and the President of the Senate,  
24 on or before December 1 of each year.

25 (e) The Florida Partnership for School Readiness shall  
26 provide, or shall contract with a qualified entity using a  
27 request for proposals to provide, staff for the Child Care  
28 Executive Partnership.

29 ~~(3)(5)~~(a) The Legislature shall annually determine the  
30 amount of state funds ~~or federal low-income child care moneys~~  
31 which shall be used to create the Child Care Executive

1 Partnership Program's ~~Program~~ child development care  
2 purchasing pools in counties chosen by the Child Care  
3 Executive Partnership and statewide purchasing pools  
4 established by the Florida Partnership for School Readiness. A  
5 purchasing pool must be created in, provided that at least two  
6 of the counties that have populations of ~~no more than~~ 300,000  
7 or fewer persons. The Legislature shall annually review the  
8 effectiveness of the child development care purchasing pool  
9 program and reevaluate the percentage of additional state ~~or~~  
10 ~~federal~~ funds, if any, that may ~~can~~ be used for the program's  
11 expansion.

12 (b) ~~To ensure a seamless service delivery and ease of~~  
13 ~~access for families, The Florida Partnership for School~~  
14 ~~Readiness community coordinated child care agencies or the~~  
15 ~~state resource and referral agency~~ shall administer the  
16 statewide child care purchasing pool funds, and the respective  
17 school readiness coalition shall administer the purchasing  
18 pool funds of a county served by the coalition.

19 (c) The Florida Partnership for School Readiness  
20 ~~department~~, in conjunction with the Child Care Executive  
21 Partnership, shall develop procedures for disbursement of  
22 funds through the child development care purchasing pools. In  
23 order to be considered for funding, the entity administering  
24 ~~community coordinated child care agency or the purchasing pool~~  
25 ~~statewide resource and referral agency~~ must commit to:

26 1. Matching the state ~~purchasing pool~~ funds allocated  
27 to the purchasing pool on a dollar-for-dollar basis; and

28 2. Expending only those state public funds that which  
29 are matched by employers, local government, and other matching  
30 contributors who contribute to the purchasing pool. Parents  
31 shall also pay a fee, which must ~~shall be~~ not be less than the

1 amount identified in the ~~department's subsidized child care~~  
2 sliding fee scale adopted by the school readiness coalition.

3 (d) Each school readiness coalition must ~~community~~  
4 ~~coordinated child care agency shall be required to~~ establish a  
5 community ~~child care~~ task force for each child development  
6 ~~care~~ purchasing pool. The task force must be composed of  
7 employers, parents, private child development ~~care~~ providers,  
8 and one representative from the local children's services  
9 council, if one exists in the area of the purchasing pool. The  
10 school readiness coalition shall ~~community coordinated child~~  
11 ~~care agency is expected to~~ recruit the task force members from  
12 existing child development ~~care~~ councils, commissions, or task  
13 forces ~~already~~ operating in the area of the ~~a~~ purchasing pool.  
14 A majority of the task force shall consist of employers. Each  
15 task force shall develop a plan for ~~the~~ use of the ~~child care~~  
16 purchasing pool funds. The plan must demonstrate ~~show~~ how many  
17 children will be served by the purchasing pool, how many will  
18 be new to receiving child development ~~care~~ services, and how  
19 the school readiness coalition ~~community coordinated child~~  
20 ~~care agency~~ intends to attract new employers and their  
21 employees to the program.

22 ~~(4)(6)~~ The Florida Partnership for School Readiness  
23 ~~may~~ ~~Department of Children and Family Services~~ shall adopt any  
24 rules under s. 120.536(1) ~~necessary for the implementation and~~  
25 s. 120.54 to administer ~~administration of~~ this section.

26 Section 33. Section 432.14, Florida Statutes, is  
27 created to read:

28 432.14 Conflicting provisions.--If a conflict exists  
29 between this chapter and federal requirements, the federal  
30 requirements shall control.

31

1           Section 34. Part II of chapter 432, Florida Statutes,  
2 shall consist of sections 432.31, 432.32, 432.33, 432.41,  
3 432.51, 432.52, 432.53, 432.54, 432.55, 432.56, 432.57,  
4 432.58, and 432.59, Florida Statutes, and the title of that  
5 part is designated as "State-Funded Child Development  
6 Programs."

7           Section 35. Section 432.31, Florida Statutes, is  
8 created to read:

9           432.31 Definition.--As used in this part, the term  
10 "economically disadvantaged" means having a family income that  
11 does not exceed 150 percent of the federal poverty level.

12           Section 36. Section 432.32, Florida Statutes, is  
13 created to read:

14           432.32 Child development programs not part of the  
15 public-school system; parental responsibilities; federal  
16 income tax credits.--

17           (1) Child development programs created under this  
18 chapter, except for the school readiness uniform screening  
19 administered in the public schools under s. 432.57, are not  
20 part of the state's system of free public schools described in  
21 s. 1(a), Art. IX of the State Constitution.

22           (2) This chapter does not:

23           (a) Relieve a parent or guardian of his or her own  
24 obligation to prepare his or her child for school; or

25           (b) Create an obligation to provide state-funded child  
26 development programs beyond those authorized by the  
27 Legislature.

28           (3) The Legislature urges the United States Congress  
29 to preserve the federal child and dependent care tax credit  
30 for the family of a child enrolled in a child development  
31 program created under this chapter.



1           Section 37. Section 402.25, Florida Statutes, is  
2 transferred, renumbered as section 432.33, Florida Statutes,  
3 and amended to read:

4           432.33 ~~402.25~~ Infants and toddlers in state-funded  
5 child development ~~education and care~~ programs; brain  
6 development activities.--Each state-funded child development  
7 ~~education and care~~ program for children from birth to 5 years  
8 of age must provide activities to foster brain development in  
9 infants and toddlers. Each ~~A~~ program must provide an  
10 environment rich in language and music and filled with objects  
11 of various colors, shapes, textures, and sizes to stimulate  
12 visual, tactile, auditory, and linguistic senses in the  
13 children and must include classical music and at least 30  
14 minutes of reading to the children each day. ~~A program may be~~  
15 ~~offered through an existing early childhood program such as~~  
16 ~~Healthy Start, the Title I program, contracted or directly~~  
17 ~~operated subsidized child care, the prekindergarten early~~  
18 ~~intervention program, Florida First Start, the Head Start~~  
19 ~~program, or a private child care program.~~Each ~~A~~ program must  
20 also provide training for the infants' and toddlers' parents  
21 including direct dialogue and interaction between teachers and  
22 parents demonstrating the urgency of brain development in the  
23 first year of a child's life. A family child day care home is  
24 ~~centers are~~ encouraged, but not required, to comply with this  
25 section.

26           Section 38. Section 411.012, Florida Statutes, is  
27 transferred, renumbered as section 432.41, Florida Statutes,  
28 and amended to read:

29           432.41 ~~411.012~~ Voluntary universal prekindergarten  
30 education program.--Effective on the uniform day fixed by each  
31

1 district school board under s. 1001.42(4)(f) for the opening  
2 of schools in that county for the 2005-2006 school year,  
3 ~~(1) the voluntary universal prekindergarten education~~  
4 ~~program shall provide a high-quality prekindergarten learning~~  
5 ~~opportunity in the form of early childhood development and~~  
6 ~~education which is voluntary and free for every child in the~~  
7 ~~county ~~this state~~ who is 4 years of age. The program must be~~  
8 ~~organized, designed, and delivered in accordance with s. 1(b)~~  
9 ~~and (c), Art. IX of the State Constitution. ~~Except as~~~~  
10 ~~otherwise expressly provided by law, ss. 411.01-411.011 do not~~  
11 ~~apply to the voluntary universal prekindergarten education~~  
12 ~~program.~~

13 ~~(2) The State Board of Education shall conduct a study~~  
14 ~~on the curriculum, design, and standards for the voluntary~~  
15 ~~universal prekindergarten education program. By October 1,~~  
16 ~~2003, the State Board of Education shall submit a report to~~  
17 ~~the Governor, the President of the Senate, and the Speaker of~~  
18 ~~the House of Representatives. The Agency for Workforce~~  
19 ~~Innovation and the Florida Partnership for School Readiness~~  
20 ~~shall provide any necessary information and coordinate with~~  
21 ~~the state board. The report must include the recommendations~~  
22 ~~or options of the state board on each of the following program~~  
23 ~~elements:~~

24 ~~(a) Curriculum and standards. Developmentally~~  
25 ~~appropriate curriculum and standards that provide children a~~  
26 ~~high-quality prekindergarten learning opportunity. These~~  
27 ~~curriculum and standards must be designed to:~~

28 ~~1. Address and enhance each child's ability to make~~  
29 ~~age-appropriate progress;~~

30 ~~2. Provide early childhood development of language and~~  
31 ~~cognitive capabilities;~~

1           ~~3. Provide education in basic skills and other~~  
2 ~~appropriate skills; and~~

3           ~~4. Deliver early childhood development and education~~  
4 ~~according to professionally accepted standards.~~

5           ~~(b) High-quality learning opportunity.--Quality~~  
6 ~~standards that provide children a high-quality prekindergarten~~  
7 ~~learning opportunity. These quality standards must include~~  
8 ~~specific recommendations or options for the expected outcomes~~  
9 ~~of the voluntary universal prekindergarten education program.~~

10          ~~(c) Quantity of instruction.--Standards for the~~  
11 ~~quantity of instruction to be provided as voluntary and free~~  
12 ~~for every child in the state who is 4 years of age. These~~  
13 ~~standards must include specific recommendations or options for~~  
14 ~~each of the following elements:~~

15           ~~1. Hours per day; and~~

16           ~~2. Days per year.~~

17          ~~(d) Delivery system.--Standards for providers in order~~  
18 ~~to deliver children a high-quality prekindergarten learning~~  
19 ~~opportunity. These standards must include specific~~  
20 ~~recommendations or options for each of the following elements:~~

21           ~~1. Appropriate range of settings, including both~~  
22 ~~public and private providers, with consideration of the~~  
23 ~~capacity in each available setting;~~

24           ~~2. Licensing or regulatory requirements for providers;~~

25           ~~3. Health and safety requirements for providers; and~~

26           ~~4. Parental choice.~~

27          ~~(e) Assessment and evaluation.--Methods for measuring~~  
28 ~~the performance of the voluntary universal prekindergarten~~  
29 ~~education program. These methods must include specific~~  
30 ~~recommendations or options for each of the following elements:~~

1           ~~1. Assessment of age-appropriate progress for each~~  
2 ~~child;~~

3           ~~2. Evaluation of outcome measures for each provider in~~  
4 ~~each setting; and~~

5           ~~3. Evaluation of school readiness coalitions.~~

6           ~~(f) Funding.--Estimated cost per full-time-equivalent~~  
7 ~~child of the recommended curriculum, design, and standards.~~  
8 ~~This cost estimate must consider funding for each of the state~~  
9 ~~board's recommendations or options for each of the program~~  
10 ~~elements described in this subsection.~~

11           ~~(3) The report must also include the state board's~~  
12 ~~recommendations or options for best practices to improve the~~  
13 ~~outcomes of school readiness coalitions and providers.~~

14           Section 39. Section 432.51, Florida Statutes, is  
15 created to read:

16           432.51 School readiness programs.--Each school  
17 readiness coalition shall establish and administer a school  
18 readiness program that meets the following expectations:

19           (1) The program must prepare preschool children to  
20 enter kindergarten ready to learn, as measured by the  
21 performance standards and outcome measures adopted by the  
22 Florida Partnership for School Readiness under s. 432.57.

23           (2) The program must be developmentally appropriate,  
24 research-based, involve parents as their children's first  
25 teachers, serve as a preventive measure for children at risk  
26 of future school failure, enhance the educational readiness of  
27 eligible children, and support family education.

28           (3) The program must provide extended-day and  
29 extended-year services to the maximum extent practicable,  
30 within funding limitations and without compromising the  
31 quality of the program, to meet the needs of parents who work.

1           (4) The program must provide expanded access to  
2 community services and resources for families to help achieve  
3 economic self-sufficiency.

4           (5) The program must allow persons with an early  
5 childhood teaching certificate to provide support and  
6 supervision to other staff in the school readiness program.

7           (6) The program must provide for coordinated staff  
8 development and teaching opportunities.

9           (7) The program must meet all state licensing  
10 guidelines, where applicable.

11           (8) The program must serve at least as many children  
12 each fiscal year as were served in the county or multicounty  
13 region of the school readiness coalition during the 2002-2003  
14 fiscal year, unless the funding provided to the coalition or  
15 the number of eligible children in the respective county or  
16 region decrease.

17           Section 40. Section 432.52, Florida Statutes, is  
18 created to read:

19           432.52 School readiness program eligibility; priority  
20 for participation.--

21           (1) Each school readiness program shall be established  
22 for children from birth to kindergarten eligibility.

23           (2) Each school readiness coalition shall give  
24 priority for participation in its school readiness program, as  
25 follows:

26           (a) Priority shall be given first to a child from a  
27 family in which there is an adult receiving temporary cash  
28 assistance who is subject to federal work requirements.

29           (b) Priority shall be given next to a child from 3  
30 years of age to kindergarten eligibility who is served by the  
31 Family Safety Program Office of the Department of Children and

1 Family Services or a community-based lead agency under chapter  
2 39 and for whom child development services are needed to  
3 minimize the risk of further abuse, neglect, or abandonment.

4 (c) Subsequent priority shall be given to a child who  
5 meets one or more of the following criteria:

6 1. A child younger than kindergarten eligibility who  
7 is:

8 a. A child who is not included for priority in  
9 paragraph (b), but who is determined to be at risk of abuse,  
10 neglect, or exploitation and who is currently a client of the  
11 Family Safety Program Office of the Department of Children and  
12 Family Services.

13 b. A child at risk of welfare dependency, including an  
14 economically disadvantaged child, a child of a participant in  
15 the welfare transition program, a child of a migrant  
16 farmworker, or a child of a teen parent.

17 c. A child of a working family that is economically  
18 disadvantaged.

19 d. A child for whom financial assistance is provided  
20 through the Relative Caregiver Program under s. 39.5085.

21 2. A 3-year-old child or 4-year-old child who may not  
22 be economically disadvantaged, but who has a disability; has  
23 been served in a specific part-time or combination of  
24 part-time exceptional education program with required special  
25 services, aids, or equipment; and was previously reported for  
26 funding part time under the Florida Education Finance Program  
27 as an exceptional student.

28 3. An economically disadvantaged child, a child with a  
29 disability, or a child at risk of future school failure, from  
30 birth to 4 years of age, who is served at home through a home  
31 visitor program and an intensive parent education program.

1           4. A child who meets federal and state requirements  
2 for eligibility for the migrant preschool program, but who  
3 does not meet the criteria of economically disadvantaged.

4           (3) Notwithstanding the eligibility and priority  
5 requirements in subsection (1) and subsection (2), a school  
6 readiness coalition may use the federal funds allocated to the  
7 coalition to provide school readiness services for any child  
8 who is eligible for services under the federal law or  
9 regulations governing those federal funds, including, but not  
10 limited to, the Child Care and Development Fund Block Grant,  
11 the Temporary Assistance for Needy Families Block Grant, or  
12 the Social Services Block Grant, if any deviation from these  
13 eligibility or priority requirements is approved by the  
14 Florida Partnership for School Readiness as part of the  
15 coalition's school readiness plan.

16           (4) A child who meets the eligibility requirements  
17 upon initial registration in a school readiness program shall  
18 be considered eligible until the child reaches kindergarten  
19 eligibility, regardless of a change in his or her family's  
20 economic status, but subject to additional family  
21 contributions in accordance with the coalition's sliding fee  
22 scale.

23           Section 41. Section 432.53, Florida Statutes, is  
24 created to read:

25           432.53 School readiness services.--

26           (1) Each coalition's school readiness program shall  
27 comprise a comprehensive program of school readiness services  
28 that enhance the cognitive, social, and physical development  
29 of children to achieve the performance standards and outcome  
30 measures adopted by the Florida Partnership for School  
31 Readiness under s. 432.57.

1           (2) Each school readiness coalition shall ensure that  
2 the school readiness services provided under its school  
3 readiness program contain, at a minimum, the following  
4 elements:

5           (a) Developmentally appropriate curriculum that, at a  
6 minimum, prepares a child for school in each of the following  
7 components:

8           1. Immunizations and other health screening and  
9 referral requirements as necessary, including appropriate  
10 vision and hearing screening and examinations.

11           2. Physical development.

12           3. Compliance with rules, limitations, and routines.

13           4. Ability to perform tasks.

14           5. Interactions with adults.

15           6. Interactions with peers.

16           7. Ability to cope with challenges.

17           8. Self-help skills.

18           9. Ability to express his or her needs.

19           10. Verbal communication skills.

20           11. Problem-solving skills.

21           12. Following of verbal directions.

22           13. Demonstration of curiosity, persistence, and  
23 exploratory behavior.

24           14. Interest in books and other printed materials.

25           15. Paying attention to stories.

26           16. Participation in art and music activities.

27           17. Ability to identify colors, geometric shapes,  
28 letters of the alphabet, numbers, and spatial and temporal  
29 relationships.

30           (b) A character development program to develop basic  
31 values.



1           (c) An age-appropriate assessment of each child's  
2 development.

3           (d) A pretest administered to children when they enter  
4 the program and a posttest administered to children when they  
5 exit the program.

6           (e) An appropriate staff-to-children ratio.

7           (f) A healthy and safe environment.

8           Section 42. Section 432.54, Florida Statutes, is  
9 created to read:

10           432.54 School readiness program requirements.--Each  
11 school readiness coalition shall adopt requirements for its  
12 school readiness program. These requirements, which must be  
13 approved by the Florida Partnership for School Readiness as  
14 part of the coalition's school readiness plan under s. 432.06,  
15 shall include provisions for each of the following:

16           (1) Specific eligibility priorities for the school  
17 readiness program in accordance with s. 432.52 for children  
18 within the coalition's county or multicounty region.

19           (2) A parental choice of locations and types of child  
20 development providers, in accordance with s. 432.55, including  
21 licensed, registered, religious-exempt, and school-based  
22 providers.

23           (3) A schedule of payment rates adopted by the school  
24 readiness coalition which encompasses all school readiness  
25 services and types of child development providers funded by  
26 the coalition. The school readiness coalition must consider  
27 the prevailing market-rate schedule adopted under s. 432.12  
28 when adopting the coalition's payment schedule.

29           (a) The payment schedule must specify that an informal  
30 provider of unregulated child development services may not be  
31

1 paid more than 50 percent of the payment rate for a family  
2 child care home.

3 (b) The payment schedule must not have the effect of  
4 limiting parental choice and must not use school readiness  
5 funds to create standards or levels of services which have not  
6 been authorized by the Legislature; however, the partnership  
7 may authorize school readiness coalitions to use school  
8 readiness funds for providing a rate differential or stipend  
9 to child development providers that hold a current Gold Seal  
10 Quality designation under s. 432.95. The rate differential may  
11 not exceed 20 percent of the payment rate for providers that  
12 do not hold the Gold Seal Quality designation.

13 (c) The payment schedule must include a projection of  
14 the number of children to be served by the school readiness  
15 coalition and must be submitted to the Florida Partnership for  
16 School Readiness, for information.

17 (4) A sliding fee scale establishing a copayment for  
18 parents based upon their ability to pay, which is uniform for  
19 all child development providers participating in the school  
20 readiness program, to be implemented and reflected in the  
21 program's budget.

22 (5) The qualifications of child development personnel  
23 for child development providers participating in the school  
24 readiness program, including, but not limited to, successful  
25 completion of the 40-clock-hour introductory course described  
26 in s. 432.74 and of any additional training or credentials  
27 required by the partnership. The school readiness plan must  
28 provide a method for verifying these qualifications of all  
29 child development personnel for each type of child development  
30 provider.

31

1           (6) The performance standards and outcome measures  
2 adopted for school readiness programs by the partnership under  
3 s. 432.57.

4           Section 43. Section 432.55, Florida Statutes, is  
5 created to read:

6           432.55 Parental choice in school readiness programs.--

7           (1) As used in this section, the term "payment  
8 certificate" means a child care certificate as defined in 45  
9 C.F.R. s. 98.2.

10           (2) Each coalition's school readiness program shall,  
11 in accordance with 45 C.F.R. s. 98.30, provide parental choice  
12 in a manner that ensures, to the maximum extent practicable,  
13 flexibility in the school readiness program and payment  
14 arrangements. A parent may choose for school readiness  
15 services to be provided for his or her child:

16           (a) Through a child development provider that is paid  
17 for providing school readiness services under a grant or  
18 contract; or

19           (b) Upon the request of the parent, through the  
20 issuance of a payment certificate to the parent for use at a  
21 child development provider of the parent's choice, including  
22 an informal provider of unregulated child development  
23 services, regardless of whether the chosen provider otherwise  
24 participates in the school readiness program.

25           (3) Each payment certificate must bear the names of  
26 the beneficiary and the child development provider and, when  
27 redeemed, must bear the signature of both the beneficiary and  
28 an authorized representative of the provider.

29           (4) If it is determined that a child development  
30 provider has given any cash to the beneficiary in return for  
31 receiving a payment certificate, the school readiness

1 coalition or its fiscal agent shall refer the matter to the  
2 Division of Public Assistance Fraud for investigation.

3 Section 44. Section 402.3145, Florida Statutes, is  
4 transferred, renumbered as section 432.56, Florida Statutes,  
5 and amended to read:

6 432.56 ~~402.3145~~ School readiness ~~Subsidized child care~~  
7 ~~transportation services program.--~~

8 (1) School readiness funds may not be used for the  
9 purchase of motor vehicles used to provide transportation  
10 services for children in school readiness programs. The  
11 Florida Partnership for School Readiness shall submit to the  
12 Legislature recommendations for providing necessary  
13 transportation services for school readiness programs.

14 ~~(2)(1)~~ The Florida Partnership for School Readiness  
15 may department, pursuant to chapter 427, shall establish  
16 school readiness a subsidized child care transportation  
17 services system for children, including children at risk of  
18 abuse or neglect, participating in a coalition's school  
19 readiness the subsidized child care program. If approved by  
20 the partnership as part of the coalition's school readiness  
21 plan, a school readiness coalition may state community child  
22 care coordination agencies shall contract for the provision of  
23 the transportation services authorized as required by this  
24 section. Contracts awarded under this section must comply with  
25 the competitive procurement requirements in s. 432.08.

26 ~~(3)(2)~~ If provided for by a school readiness  
27 coalition, these The transportation services may system shall  
28 provide transportation for children to each child  
29 participating in the coalition's school readiness program  
30 subsidized child care when, and only if when, transportation  
31 is necessary to provide child development services that care

1 ~~opportunities which~~ otherwise would not be available to a  
2 child whose home is more than a reasonable walking distance  
3 from the nearest child development provider ~~care facility or~~  
4 ~~family day care home~~.

5 Section 45. Section 432.57, Florida Statutes, is  
6 created to read:

7 432.57 School readiness program accountability.--The  
8 Florida Partnership for School Readiness shall prepare and  
9 submit to the State Board of Education a system for measuring  
10 school readiness as part of a comprehensive evaluation design.

11 The system must include each of the following:

12 (1) MEASUREMENT OF SCHOOL READINESS.--The partnership  
13 shall adopt a system for measuring school readiness that  
14 provides objective data regarding the expectations for school  
15 readiness and shall establish a method for collecting the data  
16 and guidelines for using the data.

17 (a) The measurement, data collection, and use of the  
18 data must serve statewide school readiness goals. The criteria  
19 for determining which data to collect should be the usefulness  
20 of the data to state policymakers and local program  
21 administrators in administering programs and allocating state  
22 funds, and must include the tracking of school readiness  
23 system information back to individual school readiness  
24 programs to assist in determining program effectiveness.

25 (b) To ensure that the system for measuring school  
26 readiness is comprehensive and appropriate statewide, as the  
27 system is developed and implemented, the partnership must  
28 consult with representatives of district school systems,  
29 public and private child development providers, health care  
30 providers, large and small employers, experts in education for  
31 children with disabilities, and experts in child development.

1           (2) COMPARISON OF PERFORMANCE TO NONPARTICIPANTS.--The  
2 partnership shall adopt a system for evaluating the  
3 performance of students through the third grade to compare the  
4 performance of those students who participated in school  
5 readiness programs with the performance of students who did  
6 not participate in school readiness programs, in order to  
7 identify strategies for continued successful student  
8 performance.

9           (3) PERFORMANCE STANDARDS AND OUTCOME MEASURES.--

10           (a) The partnership shall develop and adopt  
11 performance standards and outcome measures. The partnership  
12 shall consult with the Office of Program Policy Analysis and  
13 Government Accountability in the development of the measures  
14 and standards. These performance standards and outcome  
15 measures shall be applicable on a statewide basis.

16           (b) Each school readiness program administered by a  
17 school readiness coalition must meet the performance standards  
18 and outcome measures adopted by the partnership.

19           (c) The partnership shall conduct studies and planning  
20 activities related to the overall improvement and  
21 effectiveness of the school readiness measures.

22           (4) SCHOOL READINESS UNIFORM SCREENING.--

23           (a) The partnership shall prepare a plan for  
24 implementing the system for measuring school readiness in a  
25 manner that all children in the state will undergo a uniform  
26 screening established by the partnership when they enter  
27 kindergarten. The school readiness uniform screening shall  
28 provide objective data regarding each of the curriculum  
29 components described in s. 432.53(2)(a). Because children with  
30 disabilities may not be able to meet all of the identified  
31 expectations for school readiness, the plan for measuring

1 school readiness shall incorporate mechanisms for recognizing  
2 the potential variations in expectations for school readiness  
3 when serving children with disabilities and shall provide for  
4 communities to serve children with disabilities.

5 (b) The Department of Education shall implement the  
6 school readiness uniform screening developed by the  
7 partnership to validate the system recommended by the  
8 partnership as part of a comprehensive evaluation design. The  
9 department shall require that all school districts administer  
10 the school readiness uniform screening to each kindergarten  
11 student in the district school system upon the student's entry  
12 into kindergarten. Each student who enters public school for  
13 the first time in first grade must be administered the school  
14 readiness uniform screening adopted for use in first grade.  
15 The department shall incorporate school readiness data into  
16 the K-20 data warehouse for longitudinal tracking.

17 (c) Notwithstanding s. 1002.22, the Department of  
18 Education shall provide the partnership and the Agency for  
19 Workforce Innovation with complete and full access to  
20 kindergarten uniform screening data at the student, school,  
21 district, and state levels in a format that will enable the  
22 partnership and the agency to prepare reports needed by state  
23 policymakers and local school readiness coalitions to assess  
24 progress toward statewide school readiness goals and provide  
25 input for continuous improvement of local school readiness  
26 services and programs.

27 (5) PERFORMANCE-BASED BUDGETING.--The partnership  
28 shall establish procedures for performance-based budgeting in  
29 school readiness programs. The partnership shall prepare a  
30 plan that provides for the distribution and expenditure of all  
31 school readiness funds based upon an equity and performance

1 allocation formula. The plan shall be submitted to the  
2 Governor and the Legislative Budget Commission. Upon approval,  
3 the Legislative Budget Commission shall authorize the  
4 distribution of funds in accordance with the allocation  
5 formula.

6 Section 46. Section 402.3017, Florida Statutes, is  
7 transferred, renumbered as section 432.58, Florida Statutes,  
8 and amended to read:

9 432.58 ~~402.3017~~ School readiness quality initiatives  
10 ~~Teacher Education and Compensation Helps (TEACH) scholarship~~  
11 ~~program.--~~

12 ~~(1) The Legislature finds that the level of early~~  
13 ~~child care teacher education and training is a key predictor~~  
14 ~~for determining program quality. The Legislature also finds~~  
15 ~~that low wages for child care workers prevent many from~~  
16 ~~obtaining increased training and education and contribute to~~  
17 ~~high turnover rates. The Legislature therefore intends to~~  
18 ~~help fund a program which links teacher training and education~~  
19 ~~to compensation and commitment to the field of early childhood~~  
20 ~~education.~~

21 ~~(1)(2)~~ The Florida Partnership for School Readiness  
22 may Department of Children and Family Services is authorized  
23 to contract for the administration of the Teacher Education  
24 and Compensation Helps (TEACH) Early Childhood Project. The  
25 project shall be based on its national model and shall provide  
26 scholarship program, which provides educational scholarships  
27 to caregivers and administrators of early childhood programs,  
28 family day care homes, and large family child development  
29 personnel care homes.

30 (2) The partnership may contract for the  
31 administration of the Home Instruction for Parents of



1 Preschool Youngsters (HIPPY) program. The program shall be  
2 based on its national model and shall encourage parental  
3 involvement in child development programs by providing parents  
4 with assistance in preparing their children for school.

5 (3) The partnership may ~~department shall~~ adopt rules  
6 under s. 120.536(1) and s. 120.54 as necessary to administer  
7 ~~implement~~ this section.

8 ~~(4) For the 2003-2004 fiscal year only, the Agency for~~  
9 ~~Workforce Innovation shall administer this section. This~~  
10 ~~subsection expires July 1, 2004.~~

11 Section 47. Section 402.3016, Florida Statutes, is  
12 transferred, renumbered as section 432.59, Florida Statutes,  
13 and amended to read:

14 432.59 ~~402.3016~~ Early Head Start collaboration  
15 grants.--

16 (1) Subject to legislative appropriation ~~Contingent~~  
17 ~~upon specific appropriations~~, the Florida Partnership for  
18 School Readiness may ~~shall~~ establish a program to award  
19 collaboration grants to assist local agencies in securing  
20 Early Head Start programs through Early Head Start program  
21 federal grants. The collaboration grants may only be used to  
22 ~~shall~~ provide the required matching funds for public and  
23 private nonprofit agencies that have been approved for Early  
24 Head Start program federal grants.

25 (2) Each public or ~~and~~ private nonprofit agency  
26 ~~agencies~~ providing Early Head Start programs applying for  
27 collaborative grants must:

28 (a) Ensure quality performance by meeting the  
29 requirements in the Head Start program performance standards  
30 and other applicable rules and regulations;

31

1 (b) Ensure collaboration with other service providers  
2 at the local level; and

3 (c) Ensure that a comprehensive array of health,  
4 nutritional, and other services are provided to the program's  
5 pregnant women and very young children, and their families.

6 (3) If the program is established, the partnership  
7 shall report to the Legislature on an annual basis the number  
8 of agencies receiving Early Head Start collaboration grants  
9 and the number of children served.

10 (4) The partnership may adopt rules under s.  
11 120.536(1) and s. 120.54 to administer this section, including  
12 requirements as necessary for the award of collaboration  
13 grants to competing agencies ~~and the administration of the~~  
14 ~~collaboration grants program under this section.~~

15 Section 48. Part III of chapter 432, Florida Statutes,  
16 shall consist of sections 432.71, 432.72, 432.73, 432.74,  
17 432.75, 432.76, 432.77, 432.78, 432.79, 432.80, 432.81,  
18 432.82, 432.83, 432.84, 432.85, 432.86, 432.87, 432.88,  
19 432.89, 432.90, 432.91, 432.92, 432.93, 432.94, 432.95,  
20 432.96, 432.97, and 432.98, Florida Statutes, and the title of  
21 that part is designated as "Child Development Providers."

22 Section 49. Section 432.71, Florida Statutes, is  
23 created to read:

24 432.71 Definitions.--As used in this part, the term:

25 (1) "Department" means the Department of Children and  
26 Family Services.

27 (2) "Drop-in services" means child development  
28 services provided occasionally in a child care center located  
29 within a shopping mall or business establishment where a child  
30 receives child development services for no more than a 4-hour  
31

1 period and in which the parent remains on the premises of the  
2 shopping mall or business establishment at all times.

3 (3) "Evening services" means child development  
4 services provided during the evening hours and may encompass  
5 the hours of 6 p.m. to 7 a.m. to accommodate parents who work  
6 evenings and late-night shifts.

7 (4) "Indoor recreational center" means an indoor  
8 commercial center that is established for the primary purpose  
9 of entertaining children in a planned fitness environment  
10 through equipment, games, and activities in conjunction with  
11 food service and that provides child development services for  
12 a particular child no more than 4 hours on any one day.

13 (5) "Local licensing agency" means an agency or  
14 individual designated by a county to license child development  
15 providers.

16 (6) "Secretary" means the Secretary of Children and  
17 Family Services.

18 (7) "Substantial compliance" means the level of  
19 adherence which is sufficient to safeguard the health, safety,  
20 and well-being of all children receiving child development  
21 services. The term includes greater than minimal adherence,  
22 but does not extend to the level of absolute adherence. The  
23 term does not include a level of adherence in which a  
24 violation or variation impacts, or may reasonably be expected  
25 within 90 days to impact, the health, safety, or well-being of  
26 a child.

27 (8) "Weekend services" means child development  
28 services provided between the hours of 6 p.m. on Friday and 6  
29 a.m. on Monday.

30  
31

1           Section 50. Section 402.3055, Florida Statutes, is  
2 transferred, renumbered as section 432.72, Florida Statutes,  
3 and amended to read:

4           432.72 ~~402.3055~~ Child development ~~care~~ personnel  
5 requirements.--

6           (1) REQUIREMENTS FOR CHILD DEVELOPMENT ~~CARE~~ PERSONNEL  
7 OF LICENSED CHILD DEVELOPMENT PROVIDERS.--

8           (a) The department or local licensing agency shall  
9 require that the application for each ~~a~~ child development  
10 provider's ~~care~~ license contain a question that specifically  
11 asks the applicant, owner, director, or operator if he or she  
12 has ever had a license denied, revoked, or suspended in any  
13 state or jurisdiction; ~~or~~ has been the subject of a  
14 disciplinary action; or has been fined while employed by ~~in~~ a  
15 child development provider ~~care facility~~. The applicant,  
16 owner, director, or operator must ~~shall~~ attest to the accuracy  
17 of the information requested under penalty of perjury. If the  
18 applicant, owner, director, or operator admits that he or she  
19 has been a party in such an action, the department or local  
20 licensing agency shall review the nature of the suspension,  
21 revocation, disciplinary action, or fine before granting the  
22 applicant a license to operate as a child development provider  
23 ~~care facility~~. If the department or local licensing agency  
24 determines as the result of its ~~such~~ review that it is not in  
25 the best interest of the state or local jurisdiction for the  
26 applicant to be licensed, a license shall not be granted.

27           (b) Each ~~The~~ child development provider licensed under  
28 this part ~~must~~ ~~care facility employer~~ ~~shall~~ require that its  
29 employment ~~the~~ application for a child development ~~care~~  
30 personnel ~~position~~ contain a question that specifically asks  
31 the applicant if he or she has ever worked for ~~in~~ a child

1 development provider facility that has had a license denied,  
2 revoked, or suspended in any state or jurisdiction; that or  
3 has been the subject of a disciplinary action; or that has  
4 been fined while he or she was employed by the provider in a  
5 ~~child care facility~~. The applicant shall attest to the  
6 accuracy of the information requested under penalty of  
7 perjury. If the applicant admits that he or she has been a  
8 party in such an action, the employer shall review the nature  
9 of the denial, suspension, revocation, disciplinary action, or  
10 fine before the applicant is hired.

11 (2) EXCLUSION FROM OWNING, OPERATING, OR BEING  
12 EMPLOYED BY A LICENSED CHILD DEVELOPMENT PROVIDER CARE  
13 ~~FACILITY OR OTHER CHILD CARE PROGRAM~~; HEARINGS PROVIDED.--

14 (a) The department or local licensing agency may shall  
15 deny, suspend, or revoke a license or pursue other remedies  
16 provided in s. 432.75 ~~s. 402.310~~, s. 432.88 ~~s. 402.312~~, or s.  
17 432.98 ~~s. 402.319~~ in addition to or in lieu of the denial,  
18 suspension, or revocation for failure to comply with this  
19 section. The disciplinary actions taken ~~determination to be~~  
20 ~~made~~ by the department or the local licensing agency, and the  
21 procedures ~~procedure~~ for disciplinary hearings of ~~hearing for~~  
22 applicants and licensees, shall be conducted in accordance  
23 with s. 432.88 ~~s. 402.310~~.

24 (b) When the department or the local licensing agency  
25 has reasonable cause to believe that grounds for denial or  
26 termination of employment exist, it shall notify, in writing,  
27 the applicant, licensee, or other child development provider  
28 ~~care program~~ and the child development care personnel  
29 affected, stating the specific record which indicates  
30 noncompliance with the standards in this part ~~s. 402.305(2)~~.

31

1 (c) When the department is the agency initiating the  
2 statement regarding noncompliance, the procedures established  
3 for hearings ~~hearing~~ under chapter 120 shall be available to  
4 the applicant, licensee, or other child development provider  
5 ~~care program~~ and to the affected child development ~~care~~  
6 personnel, in order to present evidence relating either to the  
7 accuracy of the basis of exclusion or to the denial of an  
8 exemption from disqualification.

9 (d) When a local licensing agency is the agency  
10 initiating the statement regarding noncompliance of an  
11 employee with the standards ~~contained in this part s-~~  
12 ~~402.305(2)~~, the employee, applicant, licensee, or other child  
13 development provider ~~care program~~ has 15 days after ~~from the~~  
14 ~~time of~~ written notification of the agency's finding to make a  
15 written request for a hearing. If the ~~a~~ request for a hearing  
16 is not received within the 15 days ~~in that time~~, the permanent  
17 employee, applicant, licensee, or other child development  
18 provider ~~care program~~ is presumed to accept the finding.

19 (e) If a request for a hearing is made to the local  
20 licensing agency, a hearing shall be held within 30 days and  
21 shall be conducted by an individual designated by the county  
22 commission.

23 (f) An employee, applicant, licensee, or other child  
24 development provider ~~has care program shall have~~ the right to  
25 appeal a finding of the local licensing agency to a  
26 representative of the department. Any required hearing shall  
27 be held in the county in which the permanent employee is  
28 employed. The hearing shall be conducted in accordance with  
29 ~~the provisions of~~ chapter 120.

30 (g) Refusal on the part of an applicant or licensee to  
31 dismiss child development ~~care~~ personnel who are ~~have been~~

1 found to be in noncompliance with the personnel standards in  
2 this part of s. 402.305(2) shall result in automatic denial or  
3 revocation of the license in addition to any other remedies  
4 pursued by the department or the local licensing agency.

5 Section 51. Section 402.3057, Florida Statutes, is  
6 transferred, renumbered as section 432.73, Florida Statutes,  
7 and amended to read:

8 432.73 402.3057 Child development personnel;  
9 background screening ~~Persons not required to be~~  
10 ~~refingerprinted or rescreened.--~~

11 (1)(a) Except as otherwise expressly provided by law,  
12 all child development personnel in this state must be of good  
13 moral character based upon the level 2 standards for  
14 background screening conducted under chapter 435.

15 (b) Each background screening must assess the  
16 background of child development personnel and must include,  
17 but is not limited to, employment history checks, local  
18 criminal records checks through local law enforcement  
19 agencies, fingerprinting for all purposes and checks in this  
20 subsection, statewide criminal records checks through the  
21 Department of Law Enforcement, and federal criminal records  
22 checks through the Federal Bureau of Investigation; except  
23 that screening for volunteers included in the definition of  
24 the term "child development personnel," as defined in s.  
25 432.01, shall comprise only local criminal records checks  
26 through local law enforcement agencies for current residence  
27 and residence immediately before employment as a volunteer, if  
28 different, and statewide criminal records correspondence  
29 checks through the Department of Law Enforcement.

30 (2) Except as otherwise expressly provided by law, the  
31 following persons must also be screened using the same

1 standards for background screening which are required for  
2 child development personnel under subsection (1):

3 (a) Any person residing with the director or operator  
4 of a child development provider, including a member of the  
5 director's or operator's family, who is 12 years of age or  
6 older, if:

7 1. The premises of the child development provider are  
8 located in or adjacent to the residence of the director or  
9 operator; or

10 2. The person or family member residing with the  
11 director or operator has any direct contact with children  
12 receiving services from the child development provider during  
13 its hours of operation.

14  
15 However, the person or family member residing with the  
16 director or operator is not required to be fingerprinted, if  
17 the person or family member is younger than 18 years of age,  
18 but must be screened for delinquency records through the  
19 Department of Law Enforcement.

20 (b) Any person who works on the premises of a child  
21 development provider and who provides child development  
22 services for children 15 hours or more per week in public or  
23 nonpublic schools, summer day camps, family child care homes,  
24 or those centers otherwise exempt from licensure under s.  
25 432.92.

26 (c) A child enrichment service provider under s.  
27 432.85.

28 (3) Notwithstanding any ~~provision of~~ law to the  
29 contrary ~~notwithstanding~~, human resource personnel who have  
30 been fingerprinted or screened under ~~pursuant to~~ chapters 393,  
31 394, 397, 402, ~~and~~ 409, or this chapter and teachers and



1 noninstructional personnel who have been fingerprinted under  
2 ~~pursuant to~~ chapter 1012, who have not been unemployed for  
3 more than 90 days thereafter, and who under the penalty of  
4 perjury attest to the completion of the ~~such~~ fingerprinting or  
5 screening and to compliance with ~~the provisions of this~~  
6 section, and the standards for good moral character ~~as~~  
7 ~~contained in such provisions as~~ ss. 110.1127(3), 393.0655(1),  
8 394.457(6), 397.451, ~~402.305(2)~~, and 409.175(5), and the  
9 standards for employment screening in chapter 435, are shall  
10 ~~not be~~ required to be refingerprinted or rescreened in order  
11 to comply with any ~~caretaker~~ screening or fingerprinting  
12 requirements under this part.

13 Section 52. Section 402.30501, Florida Statutes, is  
14 transferred, renumbered as section 432.74, Florida Statutes,  
15 and amended to read:

16 432.74 ~~402.30501~~ ~~Modification of introductory Child~~  
17 development personnel; training requirements ~~care course for~~  
18 ~~community college credit authorized.--~~

19 (1) The department shall adopt rules prescribing  
20 minimum standards for the training of child development  
21 personnel. These standards shall ensure that each of the  
22 following child development personnel successfully completes  
23 an approved introductory course in child development services,  
24 as evidenced by passage of a competency examination:

25 (a) Directors and other child development personnel of  
26 child care centers.

27 (b) Directors and other child development personnel of  
28 specialized child care centers for mildly ill children.

29 (c) Operators of family child care homes.

30 (d) Operators of large family child care homes.

31

1 These minimum training standards do not apply to certain  
2 occasional or part-time support staff, including, but not  
3 limited to, swimming instructors, piano teachers, dance  
4 instructors, and gymnastics instructors.

5 (2) The department shall grant exemptions from all or  
6 a portion of the required training to a director or other  
7 child development personnel of a child care center, or of a  
8 specialized child care center for mildly ill children, based  
9 upon educational credentials or passage of competency  
10 examinations. A director or other child development personnel  
11 of a child care center, or of a specialized child care center  
12 for mildly ill children, who possesses a 2-year degree or  
13 higher that includes 6 college credit hours in early child  
14 development or child growth and development, or a child  
15 development associate credential or an equivalent  
16 state-approved child development associate credential, or a  
17 child development associate waiver certificate shall be  
18 automatically exempted from the training requirements in  
19 paragraph (3)(b), paragraph (3)(d), and paragraph (3)(e).

20 (3) The introductory course for directors and other  
21 child development personnel of child care centers and  
22 specialized child care centers for mildly ill children, and  
23 for operators of large family child care homes, shall be 40  
24 clock hours. The introductory course for operators of family  
25 child care homes shall be 30 clock hours. Each approved  
26 introductory course must cover at least the following topic  
27 areas:

28 (a) State and local rules and regulations governing  
29 child development services.

30 (b) Health, safety, and nutrition.

31

1           (c) Identifying and reporting of child abuse and  
2 neglect.

3           (d) Child development, including typical and atypical  
4 language, cognitive, motor, social, and self-help skills  
5 development.

6           (e) Observation of developmental behaviors, including  
7 the use of a checklist or other similar observation tools and  
8 techniques to determine the child's developmental age level.

9           (f) Specialized topic areas, including early literacy  
10 and language development of children from birth to 5 years of  
11 age, as determined by the department. In addition, for  
12 directors and child development personnel of child care  
13 centers and specialized child care centers for mildly ill  
14 children, these specialized topic areas must also include  
15 computer technology for professional and classroom use.

16           (g) The introductory course for directors and child  
17 development personnel of child care centers, and of  
18 specialized child care centers for mildly ill children, shall  
19 stress, to the maximum extent practicable, an  
20 interdisciplinary approach to the study of children.

21           (4)(a) Each operator of a family child care home must  
22 successfully complete the training required under this  
23 section, as evidenced by passage of the competency  
24 examination, before providing child development services to a  
25 child.

26           (b) Each director or other child development personnel  
27 of a child care center or specialized child care center for  
28 mildly ill children, and each operator of a large family child  
29 care home, must:

30  
31

1           1. Begin training to meet the training requirements  
2 within 90 days after initial employment within the child  
3 development industry in this state; and

4           2. Successfully complete the training required under  
5 this section, as evidenced by passage of the competency  
6 examination, within 1 year after the date on which the  
7 training begins.

8           (5)(a) In order to further their child development  
9 skills and, if appropriate, administrative skills, each  
10 director, operator, or other child development personnel  
11 required to be trained under this section who has fulfilled  
12 the requirements for the introductory training, must annually  
13 complete an additional 1 continuing education unit of approved  
14 inservice training, or 10 clock hours of equivalent training,  
15 as determined by the department.

16           (b) Each director, operator, or child development  
17 personnel required to be trained under this section must  
18 complete 0.5 continuing education units of approved training  
19 or 5 clock hours of equivalent training, as determined by the  
20 department, in early literacy and language development of  
21 children from birth to 5 years of age one time. The year that  
22 this training is completed, it shall fulfill the 0.5  
23 continuing education units or 5 clock hours of the annual  
24 training required in paragraph (a).

25           (6)(a) The minimum training standards must include  
26 procedures for ensuring the training of qualified child  
27 development professionals to provide training for child  
28 development personnel, including onsite training. The  
29 department may contract with central agencies or other  
30 qualified entities to coordinate the training. The department  
31 may also contract with other educational resources, such as

1 community colleges and career and technical education  
2 programs, to coordinate the training.

3 (b) The department shall conduct, or contract for, an  
4 evaluation of the department's training requirements and  
5 testing procedures for child development personnel in order to  
6 assess the status of this training and testing and to develop  
7 methods for the improvement of these requirements and  
8 procedures. The evaluation shall be conducted every 2 years.  
9 The evaluation shall include, but not be limited to, a  
10 determination of the availability, quality, scope, and sources  
11 of current training; a determination of the need for specialty  
12 training; and a determination of ways to increase inservice  
13 training and ways to increase the accessibility, quality, and  
14 cost-effectiveness of current and proposed training. The  
15 evaluation methodology shall include a reliable and valid  
16 survey of child development personnel.

17 (7)(a) Successful completion of the 40-clock-hour  
18 introductory course for directors and other child development  
19 personnel of child care centers or specialized child care  
20 centers for mildly ill children, and for operators of large  
21 family child care homes, as evidenced by passage of the  
22 competency examination, shall articulate into community  
23 college credit in early childhood education under s. 1007.24  
24 and s. 1007.25.

25 (b) The department of ~~Children and Family Services~~ may  
26 modify the 40-clock-hour introductory course ~~in child care~~  
27 ~~under s. 402.305 or s. 402.3131~~ to meet the requirements of  
28 articulating the course to community college credit. Any  
29 modification must continue to provide that the course  
30 satisfies the requirements of this section ~~s. 402.305(2)(d).~~

31

1           Section 53. Section 402.312, Florida Statutes, is  
2 transferred, renumbered as section 432.75, Florida Statutes,  
3 and amended to read:

4           432.75 ~~402.312~~ License or registration required;  
5 injunctive relief.--

6           (1) The operation of a child care center facility  
7 without a license, a specialized child care center for mildly  
8 ill children without a license, a family child day care home  
9 without a license or registration, or a large family child  
10 care home without a license is prohibited. If the department  
11 or the local licensing agency discovers that a child care  
12 center facility is being operated without a license, a  
13 specialized child care center for mildly ill children is being  
14 operated without a license, a family child day care home is  
15 being operated without a license or registration, or a large  
16 family child care home is being operated without a license,  
17 the department or local licensing agency may ~~is authorized to~~  
18 seek an injunction in the circuit court where the child  
19 development provider facility is located to enjoin the  
20 continued operation of the child care center, specialized  
21 child care center for mildly ill children ~~such facility,~~  
22 family child day care home, or large family child care home.  
23 When the court is closed for the transaction of judicial  
24 business, the department or local licensing agency may ~~is~~  
25 ~~authorized to~~ seek an emergency injunction to enjoin the  
26 continued operation of the ~~such~~ unlicensed child care center,  
27 unlicensed specialized child care center for mildly ill  
28 children facility, unregistered or unlicensed family child day  
29 care home, or unlicensed large family child care home, which  
30 injunction shall be continued, modified, or revoked on the  
31 next day of judicial business.

1           (2) The following are additional ~~other~~ grounds for  
2 seeking an injunction to close a child care center, a  
3 specialized child care center for mildly ill children  
4 facility, a family child day care home, or a large family  
5 child care home ~~are that~~:

6           (a) There is any violation of the standards applied  
7 under this part ss. 402.301-402.319 which threatens harm to  
8 any child in the child care center, specialized child care  
9 center for mildly ill children facility, a family child day  
10 care home, or large family child care home.

11           (b) A licensee or registrant has repeatedly violated  
12 the standards provided for under this part ss.  
13 ~~402.301-402.319~~.

14           (c) A child care center, specialized child care center  
15 for mildly ill children facility, family child day care home,  
16 or large family child care home continues to have children in  
17 attendance after the closing date established by the  
18 department or the local licensing agency.

19           (3) The department or local licensing agency may  
20 impose an administrative fine on any child care center,  
21 specialized child care center for mildly ill children  
22 facility, family child day care home, or large family child  
23 care home operating without a license or registration, in  
24 accordance consistent with s. 432.88 ~~the provisions of s.~~  
25 ~~402.310~~.

26           Section 54. Section 402.308, Florida Statutes, is  
27 transferred, renumbered as section 432.76, Florida Statutes,  
28 and amended to read:

29           432.76 ~~402.308~~ Issuance of license.--

30           (1) ANNUAL LICENSING.--Every child development  
31 provider required to be licensed under this part must renew

1 ~~its care facility in the state shall have a license which~~  
2 ~~shall be renewed annually.~~

3 ~~(2) CHANGE OF OWNERSHIP.--Every child care facility~~  
4 ~~shall reapply for and receive a license prior to the time a~~  
5 ~~new owner assumes responsibility for the facility. The~~  
6 ~~department shall grant or deny the reapplication for license~~  
7 ~~within 45 days from the date upon which the child care~~  
8 ~~facility reapplies.~~

9 ~~(2)(3) STATE ADMINISTRATION OF LICENSING.--In any~~  
10 ~~county in which the department has the authority to issue~~  
11 ~~licenses, the following procedures apply shall be applied:~~

12 (a) Application for a license or for the ~~a~~ renewal of  
13 a license to operate as a child development provider ~~must care~~  
14 ~~facility~~ shall be made in the manner and on the forms  
15 prescribed by the department. The applicant's social security  
16 number shall be included on the form submitted to the  
17 department. Under ~~Pursuant to~~ the federal Personal  
18 Responsibility and Work Opportunity Reconciliation Act of  
19 1996, each applicant must ~~is required to~~ provide his or her  
20 social security number in accordance with this section.  
21 Disclosure of social security numbers obtained through this  
22 requirement shall be limited to the purpose of administration  
23 of the Title IV-D program for child support enforcement.

24 (b) Before ~~Prior to the~~ renewal of a license, the  
25 department shall reexamine the child development provider ~~care~~  
26 ~~facility~~, including an ~~in that process the~~ examination of the  
27 premises and those records of the provider ~~facility as~~  
28 required under this part s. 402.305, to determine whether the  
29 ~~that~~ minimum standards for licensing continue to be met.

30 (c) The department shall coordinate all inspections of  
31 child development providers ~~care facilities~~. A child



1 development provider ~~care facility~~ is not required to  
2 implement a recommendation of one agency which conflicts that  
3 ~~is in conflict~~ with a recommendation of another agency if the  
4 ~~such~~ conflict arises due to uncoordinated inspections. Any  
5 conflict in recommendations shall be resolved by the secretary  
6 of the department within 15 days after written notice that the  
7 ~~such~~ conflict exists.

8 (d) The department shall issue or renew a license upon  
9 receipt of the license fee imposed under s. 432.91 and upon  
10 being satisfied that all standards required by this part ss.  
11 ~~402.301-402.319~~ have been met. A license may be issued if all  
12 the background-screening ~~screening~~ materials have been timely  
13 submitted; however, a license may not be issued or renewed if  
14 any of the child development ~~care~~ personnel working on the  
15 premises of ~~at~~ the applicant facility have failed the  
16 background screening required under s. 432.73 ~~by ss.~~  
17 ~~402.305(2) and 402.3055.~~

18 (3)(4) LOCAL ADMINISTRATION OF LICENSING.--In any  
19 county in which there is a local licensing agency approved by  
20 the department, the following procedures ~~shall~~ apply:

21 (a) Application for a license or for the renewal of a  
22 license to operate as a child development provider ~~care~~  
23 ~~facility~~ shall be made in the manner and on the forms  
24 prescribed by the local licensing agency.

25 (b) Before ~~Prior to the~~ renewal of a license, the  
26 agency shall reexamine the child development provider ~~care~~  
27 ~~facility~~, including an ~~in that process the~~ examination of the  
28 premises and those records of the provider ~~facility~~ ~~as~~  
29 required under this part in s. 402.305 to determine whether  
30 the ~~that~~ minimum standards for licensing continue to be met.

31

1           (c) The local licensing agency shall coordinate all  
2 inspections of child development providers ~~care facilities~~. A  
3 child development provider ~~care facility~~ is not required to  
4 implement a recommendation of one agency which conflicts that  
5 ~~is in conflict~~ with a recommendation of another agency if the  
6 ~~such~~ conflict arises due to uncoordinated inspections. Any  
7 conflict in recommendations shall be resolved by the county  
8 commission or its representative within 15 days after  
9 receiving written notice that the ~~such~~ conflict exists.

10           (d) The local licensing agency shall issue a license  
11 or renew a license upon being satisfied that all standards  
12 required by this part ~~ss. 402.301-402.319~~ have been met. A  
13 license may be issued or renewed if all the  
14 background-screening ~~screening~~ materials have been timely  
15 submitted; however, the local licensing agency shall not issue  
16 or renew a license if any of the child development ~~care~~  
17 personnel working on the premises of ~~at~~ the applicant facility  
18 have failed the background screening required under s. 432.73  
19 ~~by ss. 402.305(2) and 402.3055~~.

20           (4)(5) ISSUANCE OF LOCAL OCCUPATIONAL LICENSES.--A No  
21 county or municipality may not ~~shall~~ issue an occupational  
22 license that ~~which~~ is being obtained for the operation ~~purpose~~  
23 of ~~operating~~ a child development provider ~~care facility~~  
24 regulated under this part ~~act~~ without first determining  
25 ~~ascertaining~~ that the applicant has been licensed to operate  
26 as a child development provider ~~such facility~~ at the specified  
27 location or locations by the department or local licensing  
28 agency. The department or local licensing agency shall  
29 furnish to local agencies responsible for issuing occupational  
30 licenses sufficient instruction for making these ~~the above~~  
31 required determinations.

1           Section 55. Section 402.309, Florida Statutes, is  
2 transferred, renumbered as section 432.77, Florida Statutes,  
3 and amended to read:

4           432.77 ~~402.309~~ Provisional license.--

5           (1) The local licensing agency or the department,  
6 whichever is authorized to license child development providers  
7 ~~care facilities~~ in a county, may issue a provisional license  
8 to applicants for a license or to licensees who are unable to  
9 conform to all the standards required under this part ~~provided~~  
10 ~~for in ss. 402.301-402.319.~~

11           (2) A ~~No~~ provisional license may not be issued unless  
12 the director or operator, or the owner, of the child  
13 development provider makes adequate provisions for the health  
14 and safety of the child. A provisional license may be issued  
15 if all of the background-screening ~~screening~~ materials have  
16 been timely submitted; however, a provisional license may not  
17 be issued unless the child development provider ~~care facility~~  
18 is in compliance with the requirements for background  
19 screening of child development ~~care~~ personnel in s. 432.73 ~~ss.~~  
20 ~~402.305 and 402.3055.~~

21           (3) A ~~The~~ provisional license may not ~~shall in no~~  
22 ~~event~~ be issued for a period in excess of 6 months; however,  
23 it may be renewed one time for a period not in excess of 6  
24 months under unusual circumstances beyond the control of the  
25 applicant.

26           (4) A ~~The~~ provisional license may be suspended if  
27 periodic inspection made by the local licensing agency or the  
28 department indicates that insufficient progress has been made  
29 toward compliance.

30  
31

1           Section 56. Section 402.3125, Florida Statutes, is  
2 transferred, renumbered as section 432.78, Florida Statutes,  
3 and amended to read:

4           432.78 ~~402.3125~~ Form Display and appearance of  
5 ~~license; posting of violations; information to be provided to~~  
6 ~~parents.--~~

7           ~~(1)(a) Upon receipt of a license issued under s.~~  
8 ~~402.308 or s. 402.309, the child care facility shall display~~  
9 ~~such license in a conspicuous place within the facility.~~

10           ~~(b)1. In addition to posting the license as required~~  
11 ~~under paragraph (a), the child care facility shall post with~~  
12 ~~the license:~~

13           ~~a. Each citation for a violation of any standard or~~  
14 ~~requirement of ss. 402.301-402.319 that has resulted in~~  
15 ~~disciplinary action under s. 402.310 or s. 402.312.~~

16           ~~b. An explanation, written in simple language, of each~~  
17 ~~citation.~~

18           ~~c. A description, written in simple language, of the~~  
19 ~~corrective action, if any, taken by the facility for each~~  
20 ~~citation. Included in the description shall be the dates on~~  
21 ~~which the corrective action was taken.~~

22           ~~2. Each citation, explanation, and description of~~  
23 ~~corrective action shall remain posted for 1 year after the~~  
24 ~~citation's effective date.~~

25           ~~(1)(2)~~ The department shall ensure that every license  
26 it issues under s. 432.76 ~~s. 402.308~~ or s. 432.77 ~~s. 402.309~~  
27 bears the distinctive seals of the State of Florida and of the  
28 department and is clearly recognizable by its size, color,  
29 seals, and contents to be a state license or provisional  
30 license for a child development provider ~~care facility~~.

31

1           ~~(2)~~(3) Each local licensing agency shall ensure that  
2 every license it issues under s. 432.76 ~~s. 402.308~~ or s.  
3 432.77 ~~s. 402.309~~ bears the distinctive seals of the issuing  
4 county and of the department and is clearly recognizable by  
5 its size, color, seals, and contents to be a county license or  
6 provisional license for a child development provider ~~care~~  
7 ~~facility~~. Noncompliance by a local licensing agency shall be  
8 deemed by the department as ~~to be~~ failure to meet minimum  
9 state standards and shall result in the department immediately  
10 assuming licensure authority in the county.

11           ~~(3)~~(4) ~~Each~~ Any license issued under subsection (1) or  
12 ~~pursuant to~~ subsection (2) must ~~or subsection (3) shall~~  
13 include the name, address, and telephone number of the  
14 department or the local licensing agency, as applicable.

15           ~~(5) The department shall develop a model brochure for~~  
16 ~~distribution by the department and by local licensing agencies~~  
17 ~~to every child care facility in the state. Pursuant thereto:~~

18           ~~(a) Upon receipt of such brochures, each child care~~  
19 ~~facility shall provide a copy of same to every parent,~~  
20 ~~guardian, or other person having entered a child in such~~  
21 ~~facility. Thereafter, a copy of such brochure shall be~~  
22 ~~provided to every parent, guardian, or other person entering a~~  
23 ~~child in such facility upon entrance of the child or prior~~  
24 ~~thereto.~~

25           ~~(b) Each child care facility shall certify to the~~  
26 ~~department or local licensing agency, whichever is~~  
27 ~~appropriate, that it has so provided and will continue to so~~  
28 ~~provide such brochures, which certification shall operate as a~~  
29 ~~condition upon issuance and renewal of licensure.~~  
30 ~~Noncompliance by any child care facility shall be grounds for~~  
31 ~~sanction as provided in ss. 402.310 and 402.312.~~

1           ~~(c) The brochure shall, at a minimum, contain the~~  
2 ~~following information:~~

3           ~~1. A statement that the facility is licensed and has~~  
4 ~~met state standards for licensure as established by s. 402.305~~  
5 ~~or that the facility is licensed by a local licensing agency~~  
6 ~~and has met or exceeded the state standards, pursuant to ss.~~  
7 ~~402.306 and 402.307. Such statement shall include a listing of~~  
8 ~~specific standards that licensed facilities must meet pursuant~~  
9 ~~to s. 402.305.~~

10           ~~2. A statement indicating that information about the~~  
11 ~~licensure status of the child care facility can be obtained by~~  
12 ~~telephoning the department office or the office of the local~~  
13 ~~licensing agency issuing the license at a telephone number or~~  
14 ~~numbers which shall be printed upon or otherwise affixed to~~  
15 ~~the brochure.~~

16           ~~3. The statewide toll-free telephone number of the~~  
17 ~~central abuse hotline, together with a notice that reports of~~  
18 ~~suspected and actual cases of child physical abuse, sexual~~  
19 ~~abuse, and neglect are received and referred for investigation~~  
20 ~~by the hotline.~~

21           ~~4. The date that the current license for the facility~~  
22 ~~was issued and the date of its scheduled expiration if it is~~  
23 ~~not renewed.~~

24           ~~5. Any other information relating to competent child~~  
25 ~~care that the department deems would be helpful to parents and~~  
26 ~~other caretakers in their selection of a child care facility.~~

27           ~~(d) The department shall prepare a brochure containing~~  
28 ~~substantially the same information as specified in paragraph~~  
29 ~~(c) and shall make such brochure available to all interested~~  
30 ~~persons, including physicians and other health professionals;~~  
31 ~~mental health professionals; school teachers or other school~~

1 ~~personnel; social workers or other professional child care,~~  
2 ~~foster care, residential, or institutional workers; and law~~  
3 ~~enforcement officers.~~

4 Section 57. Section 402.311, Florida Statutes, is  
5 transferred, renumbered as section 432.79, Florida Statutes,  
6 and amended to read:

7 432.79 ~~402.311~~ Inspection.--Each child development  
8 provider ~~A licensed under this part must provide child care~~  
9 ~~facility shall accord to the department or the local licensing~~  
10 ~~agency, whichever is applicable, with the privilege of~~  
11 ~~inspection, including access to facilities and personnel and~~  
12 ~~to those records required under this part in s. 402.305, at~~  
13 ~~reasonable times during regular business hours, to ensure~~  
14 ~~compliance with this part the provisions of ss.~~

15 ~~402.301-402.319~~. The right of entry and inspection shall also  
16 extend to any premises that ~~which~~ the department or local  
17 licensing agency has reason to believe are being operated or  
18 maintained for the operations of as a child development  
19 provider ~~care facility~~ without a license, but the no such  
20 entry or inspection of any premises must not shall be made  
21 without the permission of the person in charge of the premises  
22 thereof unless a warrant is first obtained from the circuit  
23 court authorizing the entry or inspection ~~same~~. Any  
24 application for a license or renewal made under ~~pursuant to~~  
25 this part act or the advertisement to the public for the  
26 provision of child development services constitutes care as  
27 ~~defined in s. 402.302 shall constitute~~ permission for any  
28 entry or inspection of the premises for which the license is  
29 sought in order to facilitate verification of the information  
30 submitted on or in connection with the application. If ~~in the~~  
31 ~~event~~ a licensed provider ~~facility~~ refuses permission for

1 entry or inspection to the department or local licensing  
2 agency, a warrant authorizing the entry or inspection must  
3 ~~shall~~ be obtained from the circuit court before the  
4 ~~authorizing same prior to such~~ entry or inspection is  
5 conducted. The department or local licensing agency may  
6 institute disciplinary proceedings under s. 432.88 against a  
7 child development provider that refuses pursuant to permit the  
8 entry or inspection s. 402.310, for such refusal.

9 Section 58. Section 402.3115, Florida Statutes, is  
10 transferred, renumbered as section 432.80, Florida Statutes,  
11 and amended to read:

12 432.80 ~~402.3115~~ Elimination of duplicative and  
13 unnecessary inspections; abbreviated inspections.--The  
14 department ~~of Children and Family Services~~ and the local  
15 licensing governmental agencies ~~that license child care~~  
16 ~~facilities~~ shall develop and implement a plan to eliminate  
17 duplicative and unnecessary inspections of child care centers  
18 and specialized child care centers for mildly ill children  
19 ~~facilities~~. In addition, the department and the local  
20 licensing governmental agencies shall develop and implement an  
21 abbreviated inspection plan for child care centers and  
22 specialized child care centers for mildly ill children  
23 ~~facilities~~ that do not have ~~had no~~ Class 1 or Class 2  
24 deficiencies, as defined by rule, for at least 2 consecutive  
25 years. The abbreviated inspection must include those elements  
26 identified by the department and the local licensing  
27 ~~governmental~~ agencies as being key indicators of whether a the  
28 child care center or specialized child care center for mildly  
29 ill children facility continues to provide quality child  
30 development services ~~care~~ and programming.

31



1           Section 59. Section 402.305, Florida Statutes, is  
2 transferred, renumbered as section 432.81, Florida Statutes,  
3 and amended to read:

4           432.81 ~~402.305~~ ~~Licensing standards~~ Child care centers  
5 facilities.--

6           (1) DEFINITION.--As used in this section, the term  
7 "child care center" means a facility or arrangement that  
8 provides child development services, as defined in s. 432.01,  
9 for six or more children who are unrelated to the director in  
10 return for a payment, fee, or grant for any of the children  
11 receiving services, wherever operated, and regardless of  
12 whether operated for profit. The following are not included:

13           (a) A public school or nonpublic school and its  
14 integral programs, except as provided in s. 432.94;

15           (b) A summer camp having children in full-time  
16 residence;

17           (c) A summer day camp;

18           (d) A Bible school normally conducted during vacation  
19 periods; and

20           (e) An operator of a public lodging establishment as  
21 defined in s. 509.013 which provides child development  
22 services exclusively for the guests of the establishment, if  
23 all child development personnel of the establishment are  
24 screened using the same standards required under s. 432.73.

25           (2)~~(1)~~ LICENSING STANDARDS.--The department shall  
26 establish licensing standards that each licensed child care  
27 center facility must meet regardless of the origin or source  
28 of the fees used to operate the center facility or the type of  
29 children served by the center facility.

30           (a) The standards shall be designed to address the  
31 following areas:

1           1. The health, sanitation, safety, and adequate  
2 physical surroundings for all children receiving in child  
3 development services care.

4           2. The health and nutrition of all children receiving  
5 in child development services care.

6           3. The child development needs of all children  
7 receiving services in ~~child care~~.

8           (b) All standards established under this part ~~ss.~~  
9 ~~402.301-402.319~~ must be consistent with the rules adopted by  
10 the State Fire Marshal for child care centers ~~facilities~~.  
11 However, if the center facility is operated in a public  
12 school, the department shall use the public school fire code,  
13 as provided in the rules of the Department of Education, as  
14 the minimum standard for firesafety.

15           (c) The minimum standards for child care centers  
16 ~~facilities~~ shall be adopted in the rules of the department and  
17 shall address the areas delineated in this section. The  
18 department, in adopting rules to establish minimum standards  
19 for child care centers facilities, shall recognize that  
20 different age groups of children may require different  
21 standards. The department may adopt different minimum  
22 standards for centers facilities that serve children in  
23 different age groups, including school-age children. ~~The~~  
24 ~~department shall also adopt by rule a definition for child~~  
25 ~~care which distinguishes between child care programs that~~  
26 ~~require child care licensure and after-school programs that do~~  
27 ~~not require licensure.~~ Notwithstanding any ~~other provision of~~  
28 law to the contrary, the department shall adopt minimum child  
29 care licensing standards ~~shall be developed to provide~~ for  
30 reasonable, affordable, and safe before-school and  
31 after-school services care. These licensing standards shall,

1 at a minimum, ~~shall~~ allow for a credentialed director to  
2 supervise multiple before-school and after-school sites.

3 (3)~~(2)~~ PERSONNEL.--Minimum standards for child  
4 development care ~~care~~ personnel shall include minimum requirements  
5 as to:

6 (a) Good moral character based upon background  
7 screening in accordance with s. 432.73. ~~This screening shall~~  
8 ~~be conducted as provided in chapter 435, using the level 2~~  
9 ~~standards for screening set forth in that chapter.~~

10 (b) The department may grant exemptions from  
11 disqualification from working with children or the  
12 developmentally disabled ~~as provided~~ in accordance with s.  
13 435.07.

14 (c) Minimum age requirements. These ~~Such~~ minimum  
15 standards shall prohibit a person younger than ~~under the age~~  
16 ~~of 21 years of age~~ from being the director ~~operator~~ of a child  
17 care center facility and a person younger than ~~under the age~~  
18 ~~of 16 years of age~~ from being employed at a center ~~such~~  
19 ~~facility~~ unless the ~~such~~ person is under direct supervision  
20 and is not counted for the purposes of computing the  
21 staff-to-children ~~personnel-to-child~~ ratio.

22 (d) Minimum training requirements for directors and  
23 other child development care personnel in accordance with s.  
24 432.74.

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

29 ~~a. State and local rules and regulations which govern~~  
30 ~~child care.~~

31 ~~b. Health, safety, and nutrition.~~

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

1           ~~2. The introductory course in child care shall stress,~~  
2 ~~to the extent possible, an interdisciplinary approach to the~~  
3 ~~study of children.~~

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

11           ~~4. Child care personnel shall be required to complete~~  
12 ~~0.5 continuing education unit of approved training or 5 clock~~  
13 ~~hours of equivalent training, as determined by the department,~~  
14 ~~in early literacy and language development of children from~~  
15 ~~birth to 5 years of age one time. The year that this training~~  
16 ~~is completed, it shall fulfill the 0.5 continuing education~~  
17 ~~unit or 5 clock hours of the annual training required in~~  
18 ~~subparagraph 3.~~

19           ~~5. Procedures for ensuring the training of qualified~~  
20 ~~child care professionals to provide training of child care~~  
21 ~~personnel, including onsite training, shall be included in the~~  
22 ~~minimum standards. It is recommended that the state community~~  
23 ~~child care coordination agencies (central agencies) be~~  
24 ~~contracted by the department to coordinate such training when~~  
25 ~~possible. Other district educational resources, such as~~  
26 ~~community colleges and vocational technical programs, can be~~  
27 ~~designated in such areas where central agencies may not exist~~  
28 ~~or are determined not to have the capability to meet the~~  
29 ~~coordination requirements set forth by the department.~~

30           ~~6. Training requirements shall not apply to certain~~  
31 ~~occasional or part-time support staff, including, but not~~

1 ~~limited to, swimming instructors, piano teachers, dance~~  
2 ~~instructors, and gymnastics instructors.~~

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

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

19 (e) Periodic health examinations.

20 (f) ~~By January 1, 2000, a credential for child care~~  
21 ~~facility directors. By January 1, 2004, the credential shall~~  
22 ~~be a required minimum standard for licensing.~~

23 ~~(4)(3)~~ MINIMUM STAFF CREDENTIALS.--

24 (a) ~~By July 1, 1996,~~For every 20 children in a  
25 licensed child care center facility, if the center facility  
26 operates 8 hours or more per week, one of the child  
27 development care personnel in the center facility must have:

28 1.(a) A child development associate credential;

29 2.(b) A child care professional credential, unless the  
30 department determines that the ~~such~~ child care professional  
31

1 credential is not equivalent to or greater than a child  
2 development associate credential; or

3 3.(c) A credential that is equivalent to or greater  
4 than the credential required in subparagraph 1.~~paragraph (a)~~  
5 or subparagraph 2.~~paragraph (b)~~.

6  
7 The department shall adopt rules establishing ~~establish by~~  
8 ~~rule~~ those hours of operation, such as during rest periods and  
9 transitional periods, when this paragraph ~~subsection~~ does not  
10 apply.

11 (b) The department shall adopt minimum standards  
12 establishing a credential for directors of child care centers,  
13 which shall be a required minimum standard for licensure of a  
14 child care center or for renewal of a license. This credential  
15 must require each director to complete basic training in  
16 serving children with disabilities.

17 (5)~~(4)~~ STAFF-TO-CHILDREN RATIO.--

18 (a) Minimum standards for ~~the care of children in a~~  
19 licensed child care centers ~~facility~~ as established by rule of  
20 the department must include:

21 1. For children from birth through 1 year of age,  
22 there must be at least one child development ~~care~~ personnel  
23 for every four children.

24 2. For children 1 year of age or older, but younger  
25 than ~~under~~ 2 years of age, there must be at least one child  
26 development ~~care~~ personnel for every six children.

27 3. For children 2 years of age or older, but younger  
28 than ~~under~~ 3 years of age, there must be at least one child  
29 development ~~care~~ personnel for every 11 children.

30  
31

1           4. For children 3 years of age or older, but younger  
2 than under 4 years of age, there must be at least one child  
3 development care personnel for every 15 children.

4           5. For children 4 years of age or older, but younger  
5 than under 5 years of age, there must be at least one child  
6 development care personnel for every 20 children.

7           6. For children 5 years of age or older, there must be  
8 at least one child development care personnel for every 25  
9 children.

10           7. When children 2 years of age or ~~and~~ older are  
11 receiving services in care, the staff-to-children ratio shall  
12 be based on the age group with the largest number of children  
13 within the group.

14           (b) This subsection does not apply to a nonpublic  
15 school or its schools and their integral programs as described  
16 defined in s. 432.94(2)(d)1. ~~s. 402.3025(2)(d)1.~~ In addition,  
17 an individual participating in a community service work  
18 experience activity under s. 445.024(1)(d), or a work  
19 experience activity under s. 445.024(1)(e), at a child care  
20 center facility may not be considered in calculating the  
21 staff-to-children ratio.

22           ~~(6)~~(5) PHYSICAL FACILITIES.--Minimum standards shall  
23 include requirements for building conditions, indoor play  
24 space, outdoor play space, napping space, bathroom facilities,  
25 food preparation facilities, outdoor equipment, and indoor  
26 equipment. Because of the nature and duration of drop-in  
27 services child care, outdoor play space and outdoor equipment  
28 are ~~shall not be~~ required for licensure; however, if the ~~such~~  
29 play space and equipment are provided, ~~then~~ the minimum  
30 standards ~~shall~~ apply to drop-in services child care. With  
31 respect to minimum standards for physical facilities of a



1 ~~child care~~ program for school-age children which is operated  
2 in a public school facility, the department shall adopt the  
3 State Uniform Building Code for Public Educational Facilities  
4 Construction as the minimum standards, regardless of the  
5 operator of the program. The Legislature intends that if a  
6 ~~child care~~ program for school-age children is operated in a  
7 public school, the program does not need to ~~not~~ conform to  
8 standards for physical facilities other than the standards  
9 adopted by the Commissioner of Education.

10 (7)~~(6)~~ SQUARE FOOTAGE PER CHILD.--Minimum standards  
11 shall be established by the department by rule.

12 (a) A child care center facility that held ~~holds~~ a  
13 valid license on October 1, 1992, must have a minimum of 20  
14 square feet of usable indoor floor space for each child and a  
15 minimum of 45 square feet of usable outdoor play area for each  
16 child. Outdoor play area shall be calculated at the rate of  
17 45 feet per child in any group using the play area at one  
18 time. A minimum play area shall be provided for one half of  
19 the licensed capacity. This standard applies while ~~as long as~~  
20 the child care center facility remains licensed at the site  
21 occupied on October 1, 1992, and shall not be affected by any  
22 change in the ownership of the site.

23 (b) A child care center facility that did ~~does~~ not  
24 hold a valid license on October 1, 1992, and seeks regulatory  
25 approval to operate as a child care center facility must have  
26 a minimum of 35 square feet of usable floor space for each  
27 child and a minimum of 45 square feet of usable outdoor play  
28 area for each child.

29  
30 The minimum standard for outdoor play area does not apply in  
31 calculating square footage for children younger than ~~under~~ 1

1 year of age. However, appropriate outdoor infant equipment  
2 shall be substituted for outdoor play space. The centers shall  
3 provide facilities and equipment conducive to the physical  
4 activities appropriate for the age and physical development of  
5 the child.

6 (8)~~(7)~~ SANITATION AND SAFETY.--

7 (a) Minimum standards shall include requirements for  
8 sanitary and safety conditions, first aid treatment, emergency  
9 procedures, and pediatric cardiopulmonary resuscitation. The  
10 minimum standards shall require that at least one staff person  
11 trained in cardiopulmonary resuscitation, as evidenced by  
12 current documentation of course completion, must be present at  
13 all times when ~~that~~ children are present.

14 (b) In the case of a ~~child-care~~ program for school-age  
15 children attending before and after school programs on the  
16 public school site, the department shall use the public school  
17 fire code, as adopted ~~promulgated~~ in the rules of the  
18 Department of Education, as the minimum standard for  
19 firesafety. In the case of a ~~child-care program for~~  
20 ~~school-age children attending~~ before-school and after-school  
21 programs for school-age children which are provided on a site  
22 operated by a municipality, the department shall adopt rules  
23 for these sites ~~such site~~ and their intended use.

24 (c) Some type of communications system, such as a  
25 pocket pager or beeper, shall be provided to a parent whose  
26 child is in drop-in services ~~child-care~~ to ensure the  
27 immediate return of the parent to the child, if necessary.

28 (9)~~(8)~~ NUTRITIONAL PRACTICES.--Minimum standards shall  
29 include requirements for the provision of meals or snacks of a  
30 quality and quantity to assure that the nutritional needs of  
31 the child are met.

1            (10)~~(9)~~ ADMISSIONS AND RECORDKEEPING.--

2            (a) Minimum standards shall include requirements for  
3 preadmission and periodic health examinations, requirements  
4 for immunizations, and requirements for maintaining emergency  
5 information and health records on all children.

6            ~~(b) Because of the nature and duration of drop-in~~  
7 ~~child care,~~ Requirements for preadmission and periodic health  
8 examinations, and requirements for medically signed records of  
9 immunization required for child care centers, do facilities  
10 ~~shall~~ not apply to drop-in services. A parent of a child in  
11 drop-in services ~~child care~~ shall, however, be required to  
12 attest to the child's health condition and the type and  
13 current status of the child's immunizations.

14            (c) A ~~Any~~ child is ~~shall be~~ exempt from medical or  
15 physical examination, and from ~~or~~ medical or surgical  
16 treatment, upon written request of the parent or guardian of  
17 the ~~such~~ child who objects to the examination and treatment.  
18 However, the laws, rules, and regulations relating to  
19 contagious or communicable diseases and sanitary matters shall  
20 not be violated because of any exemption from or variation of  
21 the health and immunization minimum standards.

22            (11)~~(10)~~ TRANSPORTATION SAFETY.--Minimum standards  
23 shall include requirements for child restraints or seat belts  
24 in vehicles used by child care centers ~~facilities and large~~  
25 ~~family child care homes~~ to transport children, requirements  
26 for annual inspections of the vehicles, limitations on the  
27 number of children in the vehicles, and accountability for  
28 children being transported.

29            (12)~~(11)~~ ACCESS.--Minimum standards shall provide for  
30 reasonable access to the child care center ~~facility~~ by the  
31

1 custodial parent or guardian during the time the child is  
2 receiving child development services ~~in care~~.

3 (13)~~(12)~~ CHILD DISCIPLINE.--

4 (a) Minimum standards for child discipline practices  
5 shall ensure that age-appropriate, constructive disciplinary  
6 practices are used for children receiving child development  
7 services in care. ~~These~~ Such standards shall include at least  
8 the following requirements:

9 1. Children must ~~shall~~ not be subjected to discipline  
10 that ~~which~~ is severe, humiliating, or frightening.

11 2. Discipline must ~~shall~~ not be associated with food,  
12 rest, or toileting.

13 3. Spanking or any other form of physical punishment  
14 is prohibited.

15 (b) Before ~~Prior to~~ admission of a child to a child  
16 care center facility, the center must ~~facility shall~~ notify  
17 the parents in writing of the disciplinary practices used by  
18 the center facility.

19 (14)~~(13)~~ PLAN OF ACTIVITIES.--Minimum standards shall  
20 ensure that each child care center facility has and implements  
21 a written plan for the daily provision of varied activities  
22 and active and quiet play opportunities appropriate to the age  
23 of the child. The written plan must include a program, to be  
24 implemented periodically for children of an appropriate age,  
25 which will assist the children in preventing and avoiding  
26 physical and mental abuse.

27 (15) DISPLAY OF LICENSE; CITATIONS.--

28 (a) Upon receipt of a license issued under s. 432.76  
29 or a provisional license issued under s. 432.77, a child care  
30 center must display its license in a conspicuous place within  
31 the center.

1           (b)1. In addition to posting the license, the child  
2 care center must also post with the license:

3           a. Each citation for a violation of any standard or  
4 requirement of this part that has resulted in disciplinary  
5 action under s. 432.75 or s. 432.88.

6           b. An explanation, written in simple language, of each  
7 citation.

8           c. A description, written in simple language, of the  
9 corrective action, if any, taken by the center for each  
10 citation. Included in the description shall be the dates on  
11 which the corrective action was taken.

12           2. Each citation, explanation, and description of  
13 corrective action shall remain posted for 1 year after the  
14 citation's effective date.

15           (16)(14) URBAN CHILD CARE CENTERS FACILITIES.--Minimum  
16 standards shall include requirements for child care centers  
17 facilities located in urban areas. The standards must allow  
18 urban child care centers facilities to substitute indoor play  
19 space for outdoor play space, if outdoor play space is not  
20 available in the area, and must establish set forth additional  
21 requirements that apply to a center that facility which makes  
22 this that substitution, including, but not limited to,  
23 additional square footage requirements for indoor space; air  
24 ventilation provisions; and a requirement to provide  
25 facilities and equipment conducive to physical activities  
26 appropriate for the age of the children.

27           (17) INDOOR RECREATIONAL CENTERS.--An indoor  
28 recreational center may not provide child development services  
29 for a particular child more than 4 hours on any one day. Each  
30 indoor recreational center must be licensed as a child care  
31 center under this section, but is exempt from the minimum

1 outdoor-square-footage-per-child requirement specified in  
2 subsection (7), if the indoor recreational center has, at a  
3 minimum, 3,000 square feet of usable indoor floor space.

4 (18)(15) TRANSITION PERIODS.--During the periods of  
5 time in which children are arriving and departing from the  
6 child care center facility, notwithstanding local fire  
7 ordinances, subsection (7) is the provisions of subsection (6)  
8 are suspended for a period of time not to exceed 30 minutes.

9 (19) DROP-IN SERVICES.--Drop-in service arrangements  
10 must meet all requirements for a child care center unless  
11 specifically exempted.

12 (20)(16) EVENING AND WEEKEND SERVICES CHILD  
13 CARE.--Minimum standards shall be developed by the department  
14 to provide for reasonable, affordable, and safe evening and  
15 weekend services child care. Each child care center facility  
16 offering evening or weekend services child care must meet  
17 these minimum standards, regardless of the origin or source of  
18 the fees used to operate the center facility or the type of  
19 children served by the center facility. The department may  
20 modify by rule the licensing standards contained in this  
21 section to accommodate evening services child care.

22 (21) MODEL BROCHURES; DISTRIBUTION.--The department  
23 shall develop a model brochure for distribution by the  
24 department and by local licensing agencies to every child care  
25 center in the state.

26 (a) Upon receipt of the brochures, each child care  
27 center shall distribute a copy of the brochure to every  
28 parent, guardian, or other person having enrolled a child in  
29 the center. A copy of the brochure shall be distributed to  
30 every parent, guardian, or other person who subsequently  
31 enrolls a child in the center upon enrollment.

1           (b) Each child care center must certify to the  
2 department or local licensing agency, whichever is  
3 appropriate, that it has distributed and will continue to  
4 distribute the brochures, which certification shall operate as  
5 a condition upon issuance and renewal of licensure.  
6 Noncompliance by a child care center shall be grounds for  
7 sanction as provided in s. 432.75 and s. 432.88.

8           (c) The brochure shall, at a minimum, contain the  
9 following information:

10           1. A statement that the child care center is licensed  
11 and has met state standards for licensure under this part or  
12 that the center is licensed by a local licensing agency and  
13 has met or exceeded the state standards, under s. 432.89 and  
14 s. 432.90. The statement shall include a listing of specific  
15 standards that licensed child care centers must meet under  
16 this part.

17           2. A statement indicating that information about the  
18 licensure status of the child care center be obtained by  
19 telephoning the department office, or the office of the local  
20 licensing agency, issuing the license at a telephone number or  
21 numbers which shall be printed upon or otherwise affixed to  
22 the brochure.

23           3. The statewide toll-free telephone number of the  
24 central abuse hotline, together with a notice that reports of  
25 suspected and actual cases of child physical abuse, sexual  
26 abuse, and neglect are received and referred for investigation  
27 by the hotline.

28           4. The date that the current license for the child  
29 care center was issued and the date of its scheduled  
30 expiration if the license is not renewed.

31

1           5. Any other information relating to competent child  
2 development services which the department deems would be  
3 helpful to parents and other caregivers in their selection of  
4 a child care center.

5           (d) The department shall prepare a brochure containing  
6 substantially the same information as specified in paragraph  
7 (c) and shall make the brochure available to all interested  
8 persons, including physicians and other health professionals;  
9 mental health professionals; school teachers or other school  
10 personnel; social workers; child development personnel;  
11 professional foster care, residential, or institutional  
12 workers; and law enforcement officers.

13           ~~(17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF~~  
14 ~~MILDLY ILL CHILDREN.--Minimum standards shall be developed by~~  
15 ~~the department, in conjunction with the Department of Health,~~  
16 ~~for specialized child care facilities for the care of mildly~~  
17 ~~ill children. The minimum standards shall address the~~  
18 ~~following areas: personnel requirements; staff-to-child~~  
19 ~~ratios; staff training and credentials; health and safety;~~  
20 ~~physical facility requirements, including square footage;~~  
21 ~~client eligibility, including a definition of "mildly ill~~  
22 ~~children"; sanitation and safety; admission and recordkeeping;~~  
23 ~~dispensing of medication; and a schedule of activities.~~

24           ~~(22)(18) TRANSFER OF OWNERSHIP.--~~

25           (a) A child care center must reapply for and receive a  
26 license before a new owner assumes responsibility for the  
27 center. The department shall grant or deny the reapplication  
28 for license within 45 days after the date upon which the child  
29 care center reapplies.

30           ~~(b)(a) One week before prior to the transfer of~~  
31 ownership of a child care center facility or family day care



1 ~~home~~, the transferor must ~~shall~~ notify the parent or caregiver  
2 ~~caretaker~~ of each child of the impending transfer.

3       ~~(b)~~ The department shall, by rule, establish methods  
4 by which notice shall ~~will~~ be achieved and minimum standards  
5 by which to implement this paragraph ~~subsection~~.

6       Section 60. Section 432.82, Florida Statutes, is  
7 created to read:

8       432.82 Specialized child care centers for mildly ill  
9 children.--The department shall, in conjunction with the  
10 Department of Health, adopt rules prescribing minimum  
11 standards for specialized child care centers for mildly ill  
12 children. These minimum standards shall address the following  
13 areas:

14       (1) Personnel requirements.

15       (2) Staff-to-children ratios.

16       (3) Staff training and credentials.

17       (4) Health and safety requirements.

18       (5) Physical facility requirements, including square  
19 footage.

20       (6) Client eligibility, including a definition of the  
21 term "mildly ill children."

22       (7) Sanitation and safety.

23       (8) Admission and recordkeeping.

24       (9) Dispensing of medication.

25       (10) A schedule of activities.

26       Section 61. Section 402.313, Florida Statutes, is  
27 transferred, renumbered as section 432.83, Florida Statutes,  
28 and amended to read:

29       432.83 ~~402.313~~ Family child ~~day~~ care homes.--

30       (1) As used in this section, the term "family child  
31 care home" means an occupied residence in which child

1 development services, as defined in s. 432.01, are regularly  
2 provided for children from at least two unrelated families in  
3 return for a payment, fee, or grant for any of the children  
4 receiving services, regardless of whether the home is operated  
5 for profit. A family child care home may provide services for  
6 one of the following groups of children, which include those  
7 children younger than 13 years of age who are related to the  
8 caregiver:

9 (a) A maximum of four children from birth to 12 months  
10 of age.

11 (b) A maximum of three children from birth to 12  
12 months of age, and other children, for a maximum total of six  
13 children.

14 (c) A maximum of six preschool children if each child  
15 is older than 12 months of age.

16 (d) A maximum of 10 children if five or fewer are  
17 preschool age and, of those five, two or fewer are younger  
18 than 12 months of age.

19 (2)(1) A family ~~child day care home must~~ homes shall  
20 be licensed under this ~~part act~~ if it is ~~they are presently~~  
21 ~~being~~ licensed under an existing county licensing ordinance,  
22 ~~if they are participating in the subsidized child care~~  
23 ~~program,~~ or if the board of county commissioners ~~adopts~~ passes  
24 a resolution ~~requiring that~~ family child day care homes to be  
25 licensed. If ~~a no~~ county authority ~~does not exist~~ exists for  
26 the licensing of ~~a~~ family child day care homes ~~home~~, the  
27 department ~~may shall~~ have the authority to license family  
28 child day care homes ~~participating under contract for the~~  
29 ~~purchase of service system~~ in a coalition's school readiness  
30 the ~~subsidized child care~~ program.

31

1 (a) If not subject to licensure ~~license~~, a family  
2 child day care home must ~~homes shall~~ register annually with  
3 the department, providing the following information:

4 1. The name and address of the home.

5 2. The name of the operator.

6 3. The number of children served.

7 4. Proof of a written plan to provide at least one  
8 other competent adult to be available to substitute for the  
9 operator in an emergency. This plan shall include the name,  
10 address, and telephone number of the designated substitute.

11 5. Proof of screening and background checks in  
12 accordance with s. 432.73.

13 6. Proof of successful completion of the 30-hour  
14 training course required under s. 432.74, ~~as evidenced by~~  
15 ~~passage of a competency examination, which shall include:~~

16 a. ~~State and local rules and regulations that govern~~  
17 ~~child care.~~

18 b. ~~Health, safety, and nutrition.~~

19 c. ~~Identifying and reporting child abuse and neglect.~~

20 d. ~~Child development, including typical and atypical~~  
21 ~~language development; and cognitive, motor, social, and~~  
22 ~~self-help skills development.~~

23 e. ~~Observation of developmental behaviors, including~~  
24 ~~using a checklist or other similar observation tools and~~  
25 ~~techniques to determine a child's developmental level.~~

26 f. ~~Specialized areas, including early literacy and~~  
27 ~~language development of children from birth to 5 years of age,~~  
28 ~~as determined by the department, for owner-operators of family~~  
29 ~~day care homes.~~

30 7. Proof that immunization records are kept current.

31

1           8. Proof of completion of the required continuing  
2 education units or clock hours in accordance with s. 432.74.

3           (b) The department or local licensing agency may  
4 impose an administrative fine, not to exceed \$100, for failure  
5 to comply with licensure or registration requirements.

6           (c) A family child day care home ~~not participating in~~  
7 ~~the subsidized child care program~~ may volunteer to be licensed  
8 under ~~the provisions of this part act.~~

9           (d) The department may provide technical assistance to  
10 counties and family child day care homes in order ~~home~~  
11 ~~providers~~ to enable counties and family child day care homes  
12 ~~providers~~ to achieve compliance with the standards for family  
13 child day care homes ~~standards.~~

14           ~~(2) This information shall be included in a directory~~  
15 ~~to be published annually by the department to inform the~~  
16 ~~public of available child care facilities.~~

17           (3) Child development care personnel in family child  
18 day care homes must shall be of good moral character based  
19 upon background ~~subject to the applicable screening provisions~~  
20 ~~contained in accordance with s. 432.73 ss. 402.305(2) and~~  
21 ~~402.3055. For purposes of screening in family day care homes,~~  
22 ~~the term includes any member over the age of 12 years of a~~  
23 ~~family day care home operator's family, or persons over the~~  
24 ~~age of 12 years residing with the operator in the family day~~  
25 ~~care home. Members of the operator's family, or persons~~  
26 ~~residing with the operator, who are between the ages of 12~~  
27 ~~years and 18 years shall not be required to be fingerprinted,~~  
28 ~~but shall be screened for delinquency records.~~

29           (4) Each operator ~~Operators~~ of a family child day care  
30 home ~~homes~~ must successfully complete the training  
31 requirements ~~an approved 30-clock-hour introductory course in~~

1 accordance with s. 432.74 child care, as evidenced by passage  
2 of a competency examination, before providing child  
3 development services to caring for children.

4 ~~(5) In order to further develop their child care~~  
5 ~~skills and, if appropriate, their administrative skills,~~  
6 ~~operators of family day care homes shall be required to~~  
7 ~~complete an additional 1 continuing education unit of approved~~  
8 ~~training or 10 clock hours of equivalent training, as~~  
9 ~~determined by the department, annually.~~

10 ~~(6) Operators of family day care homes shall be~~  
11 ~~required to complete 0.5 continuing education unit of approved~~  
12 ~~training in early literacy and language development of~~  
13 ~~children from birth to 5 years of age one time. The year that~~  
14 ~~this training is completed, it shall fulfill the 0.5~~  
15 ~~continuing education unit or 5 clock hours of the annual~~  
16 ~~training required in subsection (5).~~

17 ~~(5)(7) Each operator~~ Operators of a family child day  
18 care home must ~~homes shall be required~~ annually to complete a  
19 health and safety home inspection self-evaluation checklist  
20 developed by the department in conjunction with the statewide  
21 resource and referral network program. The completed checklist  
22 must ~~shall~~ be signed by the operator of the family child day  
23 care home and provided to parents as certification that basic  
24 health and safety standards are being met.

25 (6) One week before the closure of a family child care  
26 home, the operator must notify the parent or caregiver of each  
27 child of the impending closure. The department shall, by rule,  
28 establish methods by which notice shall be achieved and  
29 minimum standards by which to implement this subsection.

30 ~~(7)(8) Family~~ child day care home operators may avail  
31 themselves of supportive services offered by the department.

1           ~~(8)(9)~~ The department shall prepare a brochure on  
2 family child day care homes for distribution by the department  
3 and by local licensing agencies, if appropriate, to family  
4 child day care homes for distribution to parents enrolling  
5 their children for utilizing such child development services  
6 care, and to all interested persons, including physicians and  
7 other health professionals; mental health professionals;  
8 school teachers or other school personnel; social workers;  
9 child development personnel; or other professional child care,  
10 foster care, residential, or institutional workers; and law  
11 enforcement officers. The brochure shall, at a minimum,  
12 contain the following information:

13           (a) A brief description of the requirements for family  
14 child day care home registration, training, and fingerprinting  
15 and screening.

16           (b) A listing of those counties that require licensure  
17 of family child day care homes. These ~~Such~~ counties shall  
18 provide an addendum to the brochure which ~~that~~ provides a  
19 brief description of the licensure requirements or may provide  
20 a brochure in lieu of the one described in this subsection, if  
21 the brochure ~~provided it~~ contains all of the required  
22 information about ~~on~~ licensure and the required information  
23 described in this subsection ~~the subsequent paragraphs~~.

24           (c) A statement indicating that information about a  
25 ~~the~~ family child day care home's compliance with applicable  
26 state or local requirements may ~~can~~ be obtained by telephoning  
27 the department office or the office of the local licensing  
28 agency, if appropriate, at a telephone number or numbers which  
29 shall be affixed to the brochure.

30           (d) The statewide toll-free telephone number of the  
31 central abuse hotline, together with a notice that reports of

1 suspected and actual child physical abuse, sexual abuse, and  
2 neglect are received and referred for investigation by the  
3 hotline.

4 (e) Any other information relating to competent child  
5 development services which ~~care that~~ the department or local  
6 licensing agency, if preparing a separate brochure, deems  
7 would be helpful to parents and other caregivers ~~caretakers~~ in  
8 their selection of a family child day care home.

9 ~~(9)(10) On an annual basis,~~The department shall  
10 annually evaluate the registration and licensure system for  
11 family child day care homes. The ~~Such~~ evaluation shall, at a  
12 minimum, address the following:

13 (a) The number of family child day care homes  
14 registered and licensed and the dates of their ~~such~~  
15 registration and licensure.

16 (b) The number of children being served in both  
17 registered and licensed family child day care homes and any  
18 available slots in those ~~such~~ homes.

19 (c) The number of complaints received concerning  
20 family child day care homes, the nature of the complaints, and  
21 the resolution of the ~~such~~ complaints.

22 (d) The training activities used ~~utilized~~ by child  
23 development ~~care~~ personnel in family child day care homes for  
24 meeting the state or local training requirements.

25  
26 The evaluation shall be used ~~utilized~~ by the department in any  
27 administrative modifications or adjustments to be made in the  
28 registration of family child day care homes or in any  
29 legislative requests for modifications to the system of  
30 registration or to other requirements for family child day  
31 care homes.

1           ~~(10)(11)~~ The department shall implement a media  
2 campaign in order to inform the public about of the state  
3 requirement for registration of family child day care homes as  
4 well as the other requirements for these such homes to legally  
5 operate in the state, ~~the department shall institute a media~~  
6 ~~campaign to accomplish this end.~~ The ~~Such a~~ campaign shall  
7 include, at a minimum, flyers, newspaper advertisements, radio  
8 advertisements, and television advertisements.

9           ~~(11)(12)~~ Notwithstanding any other state or local law  
10 or ordinance, any family child day care home licensed under  
11 ~~pursuant to this part chapter~~ or ~~pursuant to~~ a county  
12 ordinance shall be charged the utility rates accorded to a  
13 residential home. A licensed family child day care home may  
14 not be charged commercial utility rates.

15           ~~(12)(13)~~ The department shall, by rule, establish  
16 minimum standards for family child day care homes that are  
17 required to be licensed by county licensing ordinance or  
18 county licensing resolution or that voluntarily choose to be  
19 licensed. The standards should include requirements for  
20 staffing, training, maintenance of immunization records,  
21 minimum health standards, reduced standards for the regulation  
22 of child development services care during evening hours by  
23 municipalities and counties, and the enforcement of standards.

24           Section 62. Section 402.3131, Florida Statutes, is  
25 transferred, renumbered as section 432.84, Florida Statutes,  
26 and amended to read:

27           432.84 ~~402.3131~~ Large family child care homes.--

28           ~~(1)~~ As used in this section, the term "large family  
29 child care home" means an occupied residence in which child  
30 development services, as defined in s. 432.01, are regularly  
31 provided for children from at least two unrelated families in



1 return for a payment, fee, or grant for any of the children  
2 receiving services, regardless of whether the home is operated  
3 for profit, and which has at least two full-time child  
4 development personnel on the premises during the hours of  
5 operation. One of the two full-time child development  
6 personnel must be the owner or occupant of the residence.

7 (2) A large family child care home may provide child  
8 development services for one of the following groups of  
9 children, which includes those children 12 years of age or  
10 younger who are related to the caregiver:

11 (a) A maximum of eight children from birth to 24  
12 months of age.

13 (b) A maximum of 12 children, of which no more than  
14 four children may be younger than 24 months of age.

15 (3)(1) Large family child care homes shall be licensed  
16 under this section.

17 (a) The department or local licensing agency may  
18 impose an administrative fine, not to exceed \$1,000, for  
19 failure to comply with licensure requirements.

20 (b) A large licensed family child day care home must  
21 first have operated as a licensed family child care home for a  
22 minimum of 2 consecutive years, with an operator who has had a  
23 child development associate credential or its equivalent for 1  
24 year, before seeking licensure as a large family child care  
25 home.

26 (c) The department may provide technical assistance to  
27 counties and family child day care home providers to enable  
28 the counties and providers to achieve compliance with minimum  
29 standards for large family child care homes.

30 (4)(2) Child development care personnel in large  
31 family child care homes must shall be of good moral character

1 ~~based upon background subject to the applicable screening~~  
2 ~~provisions contained in accordance with s. 432.73 ss.~~  
3 ~~402.305(2) and 402.3055. For purposes of screening child care~~  
4 ~~personnel in large family child care homes, the term "child~~  
5 ~~care personnel" includes any member of a large family child~~  
6 ~~care home operator's family 12 years of age or older, or any~~  
7 ~~person 12 years of age or older residing with the operator in~~  
8 ~~the large family child care home. Members of the operator's~~  
9 ~~family, or persons residing with the operator, who are between~~  
10 ~~the ages of 12 years and 18 years, inclusive, shall not be~~  
11 ~~required to be fingerprinted, but shall be screened for~~  
12 ~~delinquency records.~~

13       ~~(5)(3)~~ Each operator ~~Operators of a large family child~~  
14 ~~care home homes~~ must successfully complete the training  
15 requirements ~~an approved 40-clock-hour introductory course in~~  
16 accordance with s. 432.74 ~~group child care, as evidenced by~~  
17 ~~passage of a competency examination. Successful completion of~~  
18 ~~the 40-clock-hour introductory course shall articulate into~~  
19 ~~community college credit in early childhood education,~~  
20 ~~pursuant to ss. 1007.24 and 1007.25.~~

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

28       ~~(5)~~ ~~Operators of large family child care homes shall~~  
29 ~~be required to complete 0.5 continuing education unit of~~  
30 ~~approved training or 5 clock hours of equivalent training, as~~  
31 ~~determined by the department, in early literacy and language~~

1 ~~development of children from birth to 5 years of age one time.~~  
2 ~~The year that this training is completed, it shall fulfill the~~  
3 ~~0.5 continuing education unit or 5 clock hours of the annual~~  
4 ~~training required in subsection (4).~~

5 (6) The department shall prepare a brochure on large  
6 family child care homes for distribution to the general  
7 public.

8 (7) The department shall adopt rules establishing, ~~by~~  
9 ~~rule, establish~~ minimum standards for large family child care  
10 homes. These ~~The~~ standards shall include, at a minimum,  
11 requirements for staffing, maintenance of immunization  
12 records, minimum health standards, minimum safety standards,  
13 minimum square footage, and enforcement of standards. These  
14 minimum standards shall also include requirements for child  
15 restraints or seat belts in vehicles used by large family  
16 child care homes to transport children, requirements for  
17 annual inspections of the vehicles, limitations on the number  
18 of children in the vehicles, and accountability for children  
19 being transported.

20 (8) Before ~~Prior to~~ being licensed by the department,  
21 a large family child care home ~~homes~~ must be approved by the  
22 state or local fire marshal in accordance with standards  
23 established for child care centers ~~facilities~~.

24 Section 63. Section 402.3054, Florida Statutes, is  
25 transferred, renumbered as section 432.85, Florida Statutes,  
26 and amended to read:

27 432.85 ~~402.3054~~ Child enrichment service providers.--

28 (1) As used in ~~For the purposes of~~ this section, the  
29 term "child enrichment service provider" means an individual  
30 who provides enrichment activities, such as language training,  
31 music instruction, educational instruction, and other

1 experiences, to specific children during a specific time that  
2 is not part of the regular services of ~~program in~~ a child  
3 development provider ~~care facility~~.

4 (2) The child's parent must ~~shall~~ provide written  
5 consent before a child may participate in activities conducted  
6 by a child enrichment service provider which ~~that~~ are not part  
7 of the regular child development services ~~program~~ of the child  
8 development provider ~~care facility~~. A child enrichment service  
9 provider receives compensation from the child's parent or from  
10 the child development provider ~~care facility~~ and shall not be  
11 considered a volunteer or a child development ~~care~~ personnel.

12 (3) A child enrichment service provider must ~~shall~~ be  
13 of good moral character based upon background screening. ~~This~~  
14 ~~screening shall be conducted as provided in accordance with s.~~  
15 ~~432.73 chapter 435, using the level 2 standards for screening~~  
16 ~~set forth in that chapter.~~ A child enrichment service provider  
17 must meet the screening requirements before ~~prior to~~ providing  
18 services to a child for ~~in~~ a child development provider ~~care~~  
19 ~~facility~~. A child enrichment service provider who has met the  
20 screening standards is ~~shall~~ ~~be~~ required to be under the  
21 direct and constant supervision of child development ~~care~~  
22 personnel.

23 Section 64. Section 402.318, Florida Statutes, is  
24 transferred, renumbered as section 432.86, Florida Statutes,  
25 and amended to read:

26 432.86 ~~402.318~~ Advertisement.--A ~~No~~ person may not  
27 ~~shall~~ advertise a child development provider ~~required to be~~  
28 licensed under this part ~~care facility~~ without including  
29 within the ~~such~~ advertisement the state or local agency  
30 license number of the provider ~~such facility~~. A person who  
31 violates ~~Violation of~~ this section commits ~~is~~ a misdemeanor of

1 the first degree, punishable as provided in s. 775.082 or s.  
2 775.083.

3 Section 65. Section 432.87, Florida Statutes, is  
4 created to read:

5 432.87 Rilya Wilson Act; attendance and reporting  
6 responsibilities.--Each child development provider licensed  
7 under this part must report any unexcused absence or seven  
8 consecutive excused absences of a child who is enrolled to  
9 participate in child development services and who is covered  
10 by s. 39.604(3) to the local designated staff of the Family  
11 Safety Program Office of the Department of Children and Family  
12 Services or the community-based lead agency by the end of the  
13 business day following the unexcused absence or seventh  
14 consecutive excused absence. The failure or refusal of a  
15 licensed child development provider to comply with this  
16 section is a violation of this part, subject to disciplinary  
17 action under s. 432.88.

18 Section 66. Section 402.310, Florida Statutes, is  
19 transferred, renumbered as section 432.88, Florida Statutes,  
20 and amended to read:

21 432.88 ~~402.310~~ Disciplinary actions; hearings upon  
22 denial, suspension, or revocation of license; administrative  
23 fines.--

24 (1)(a) The department or local licensing agency may  
25 deny, suspend, or revoke a license or impose an administrative  
26 fine not to exceed \$100 per violation, ~~per day,~~ for each the  
27 violation of this part ~~any provision of ss. 402.301-402.319~~ or  
28 rules adopted to administer this part thereunder. However, if  
29 a ~~where the~~ violation causes ~~could~~ or may does cause death or  
30 serious harm, the department or local licensing agency may  
31

1 impose an administrative fine, not to exceed \$500 per  
2 violation per day.

3 (b) In determining the appropriate disciplinary action  
4 to be taken for a violation as provided in paragraph (a), the  
5 department or local licensing agency shall consider the  
6 following factors ~~shall be considered~~:

7 1. The severity of the violation, including the  
8 probability that death or serious harm to the health or safety  
9 of any person will result or has resulted, the severity of the  
10 actual or potential harm, and the extent to which this part  
11 has the provisions of ss. 402.301-402.319 have been violated.

12 2. Actions taken by the licensee to correct the  
13 violation or to remedy complaints.

14 3. Any previous violations of the licensee.

15 (2) When the department has reasonable cause to  
16 believe that grounds for the denial, suspension, or revocation  
17 of a license or the imposition of an administrative fine  
18 exist, the department ~~it~~ shall determine the matter in  
19 accordance with ~~procedures prescribed in~~ chapter 120. When the  
20 local licensing agency has reasonable cause to believe that  
21 grounds for the denial, suspension, or revocation of a license  
22 or the imposition of an administrative fine exist, the local  
23 licensing agency ~~it~~ shall notify the applicant or licensee in  
24 writing, stating the grounds upon which the license is being  
25 denied, suspended, or revoked or an administrative fine is  
26 being imposed. If the applicant or licensee does not submit a  
27 ~~makes no~~ written request for a hearing to the local licensing  
28 agency within 15 days after ~~from~~ receipt of the ~~such~~ notice,  
29 the license shall be ~~deemed~~ denied, suspended, or revoked, or  
30 an administrative fine shall be imposed.

31

1           (3) If a request for a hearing is made to the local  
2 licensing agency, a hearing shall be held within 30 days and  
3 shall be conducted by an individual designated by the county  
4 commission.

5           (4) An applicant or licensee has ~~shall have~~ the right  
6 to appeal a decision of the local licensing agency to ~~a~~  
7 ~~representative of~~ the department. Any required hearing shall  
8 be held in the county in which the child development provider  
9 ~~care facility~~ is being operated or is to be established. The  
10 hearing shall be conducted in accordance with ~~the provisions~~  
11 ~~of~~ chapter 120.

12           Section 67. Section 402.306, Florida Statutes, is  
13 transferred, renumbered as section 432.89, Florida Statutes,  
14 and amended to read:

15           432.89 ~~402.306~~ Designation of licensing agency;  
16 dissemination ~~by the department and local licensing agency~~ of  
17 information on child development services ~~care~~.--

18           (1) Any county whose licensing standards meet or  
19 exceed state minimum standards may:

20           (a) Designate a local licensing agency to license  
21 child development providers ~~care facilities~~ in the county; or

22           (b) Contract with the department to delegate the  
23 administration of state minimum standards in the county to the  
24 department.

25           (2) Each child development provider required to be  
26 licensed under this part ~~care facilities~~ in any county having  
27 ~~whose~~ standards that do not meet or exceed state minimum  
28 standards shall be subject to licensing by the department  
29 under state minimum standards.

30           (3) The department and local licensing agencies, or  
31 their ~~the~~ designees ~~thereof~~, are ~~shall be~~ responsible for

1 coordination and dissemination of information on child  
2 development services ~~care~~ to the community and shall make  
3 available upon request all licensing standards and procedures,  
4 in addition to the names and addresses of licensed child care  
5 centers, licensed specialized child care centers for mildly  
6 ill children, licensed large family child care homes,  
7 ~~facilities~~ and, where applicable under s. 432.83 pursuant to  
8 ~~s. 402.313~~, licensed or registered family child day care  
9 homes.

10 Section 68. Section 402.307, Florida Statutes, is  
11 transferred, renumbered as section 432.90, Florida Statutes,  
12 and amended to read:

13 432.90 ~~402.307~~ Approval of licensing agency.--

14 (1) ~~Within 30 days after the promulgation of state~~  
15 ~~minimum standards,~~ Each county shall provide the department  
16 with a copy of its standards if they differ from the state  
17 minimum standards. ~~At the same time,~~ Each county shall also  
18 provide the department with the administrative procedures that  
19 the county ~~it~~ intends to use for the licensing of child  
20 development providers ~~care facilities~~.

21 (2) The department shall ~~have the authority to~~  
22 determine if local standards meet or exceed state minimum  
23 standards. Within 60 days after a ~~the~~ county submits ~~has~~  
24 ~~submitted~~ its standards and procedures, the department, upon  
25 being satisfied that the ~~such~~ standards meet or exceed state  
26 minimum standards and comply ~~that there is compliance~~ with  
27 this part ~~all provisions of ss. 402.301-402.319~~, shall approve  
28 the local licensing agency.

29 (3) Each county's approval to issue licenses for the  
30 department must ~~shall~~ be renewed annually. For renewal, the  
31 local licensing agency must ~~shall~~ submit to the department a



1 copy of the licensing standards and procedures applied. The  
2 department may also conduct an onsite review of a local  
3 licensing agency ~~may be made if deemed necessary by the~~  
4 ~~department.~~

5 (4) If, after ~~following~~ an onsite review, the  
6 department finds that the local licensing agency is not  
7 applying the approved standards, the department shall report  
8 the specific violations to the board of county commissioners  
9 ~~commission~~ of the respective ~~involved~~ county, which shall  
10 investigate the violations and take ~~whatever~~ action ~~necessary~~  
11 to correct the violations ~~them~~.

12 (5) To ensure that accurate statistical data are  
13 available, each local licensing agency shall report annually  
14 to the department the number of child development providers  
15 ~~care facilities~~ under its jurisdiction, the number of children  
16 served, the ages of children served, and the number of  
17 revocations or denials of licenses.

18 Section 69. Section 402.315, Florida Statutes, is  
19 transferred, renumbered as section 432.91, Florida Statutes,  
20 and amended to read:

21 432.91 ~~402.315~~ Funding; license fees.--

22 (1) If the county designates a local licensing agency  
23 to be responsible for ~~the~~ licensing ~~of~~ child development  
24 providers ~~care facilities~~, the county shall bear at least 75  
25 percent of the licensing costs ~~involved~~.

26 (2) The department shall bear the costs of ~~the~~  
27 licensing ~~of~~ child development providers ~~care facilities~~ when  
28 contracted ~~to do so~~ by a county or when directly responsible  
29 for licensing in a county that ~~which~~ fails to meet or exceed  
30 state minimum standards.

31

1           (3) The department shall collect a fee for each any  
2 license it issues to for a child development provider under s.  
3 432.76 care facility pursuant to s. 402.308. The Such fee  
4 shall be \$1 per child, except that the minimum fee shall be  
5 \$25 per provider center and the maximum fee shall be \$100 per  
6 provider center.

7           (4) Any county may collect a fee for any license it  
8 issues under s. 432.76 pursuant to s. 402.308.

9           (5) All moneys collected by the department for ~~child~~  
10 ~~care~~ licensing child development providers shall be held in a  
11 trust fund of the department to be reallocated to the  
12 department during the following fiscal year to fund child  
13 development care licensing activities, including the Gold Seal  
14 Quality Care program created under s. 432.95 pursuant to s.  
15 402.281.

16           Section 70. Section 402.316, Florida Statutes, is  
17 transferred, renumbered as section 432.92, Florida Statutes,  
18 and amended to read:

19           432.92 402.316 Exemptions; religious centers.--

20           (1) The freedom of religion of all residents of this  
21 state is inviolate. Nothing in this part shall give any  
22 governmental agency jurisdiction or authority to regulate,  
23 supervise, or in any way be involved in any Sunday School,  
24 Sabbath School, or religious services or any nursery service  
25 or other program conducted during religious or church services  
26 primarily for the convenience of those attending the services.

27           ~~(2)(1) The provisions of ss. 402.301-402.319, Except~~  
28 for the screening requirements for regarding screening of  
29 child development care personnel, this part does shall not  
30 apply to a child care center that facility which is an  
31 integral part of a church or parochial school schools

1 conducting regularly scheduled classes, courses of study, or  
2 educational programs accredited by, or ~~by~~ a member of, an  
3 organization that ~~which~~ publishes and requires compliance with  
4 its standards for health, safety, and sanitation. However,  
5 these centers must ~~such facilities shall~~ meet the minimum  
6 county and municipal requirements ~~of the applicable local~~  
7 ~~governing body as to~~ health, sanitation, and safety and must  
8 ~~shall~~ meet the screening requirements under s. 432.72 pursuant  
9 ~~to ss. 402.305 and s. 432.73~~ 402.3055. Failure by a center  
10 facility to comply with these ~~such~~ screening requirements  
11 shall result in the loss of the center's facility's exemption  
12 from licensure.

13 (3)(2) ~~A~~ Any county or municipality ~~city~~ with a state  
14 or local child care licensing program ~~programs~~ in existence on  
15 July 1, 1974, shall ~~will~~ continue to license the child care  
16 centers ~~facilities~~ as covered by its program ~~such programs~~,  
17 notwithstanding subsection (2) ~~the provisions of subsection~~  
18 ~~(1)~~, until and unless the local licensing agency makes a  
19 determination to exempt the centers ~~them~~.

20 (4)(3) ~~A~~ Any child care center ~~exempted~~ from licensure  
21 under subsection (2) which desires ~~facility covered by the~~  
22 ~~exemption provisions of subsection (1), but desiring to be~~  
23 licensed under ~~included in this part~~ may elect ~~act, is~~  
24 authorized to be licensed ~~do so~~ by submitting notification to  
25 the department. Once licensed, a center may not ~~such facility~~  
26 ~~cannot~~ withdraw from licensure or the act ~~and~~ continue to  
27 operate without complying with the licensing requirements of  
28 this part.

29 Section 71. Section 402.3045, Florida Statutes, is  
30 transferred, renumbered as section 432.93, Florida Statutes,  
31 and amended to read:

1           432.93 ~~402.3045~~ Exemptions; membership organizations  
2 and after-school programs ~~Requirement for distinguishable~~  
3 ~~definitions of child care.--~~

4           (1) MEMBERSHIP ORGANIZATIONS.--

5           (a) Membership organizations affiliated with national  
6 organizations which do not provide child development services,  
7 whose primary purpose is providing activities that contribute  
8 to the development of good character or good sportsmanship or  
9 to the education or cultural development of minors in this  
10 state, which charge only a nominal annual membership fee,  
11 which are not for profit, and which are certified by their  
12 national associations as being in compliance with the  
13 association's minimum standards and procedures are not child  
14 development providers under this part.

15           (b) The personnel of these membership organizations  
16 are not child development personnel under this part and are  
17 not required to be screened under s. 432.73.

18           (2) AFTER-SCHOOL PROGRAMS.--The department ~~of Children~~  
19 ~~and Family Services~~ shall adopt by rule a definition of the  
20 term for "child development services" ~~care~~ which distinguishes  
21 between child development providers ~~care programs~~ that require  
22 ~~child care~~ licensure under this part and after-school programs  
23 that do not require licensure.

24           Section 72. Section 402.3025, Florida Statutes, is  
25 transferred, renumbered as section 432.94, Florida Statutes,  
26 and amended to read:

27           432.94 ~~402.3025~~ Exemptions; public and nonpublic  
28 schools; penalties.--For the purposes of this part ~~ss.~~  
29 ~~402.301-402.319~~, the following shall apply:

30           (1) PUBLIC SCHOOLS.--

31

1           (a) The following programs for children are ~~shall~~ not  
2 ~~be deemed to be~~ child development services ~~care~~ and are ~~shall~~  
3 not be subject to this part ~~the provisions of ss.~~  
4 ~~402.301-402.319~~:

5           1. Programs for children in 5-year-old kindergarten  
6 and grades one or above.

7           2. Programs for children who are ~~at least~~ 3 years of  
8 age or older, but who are younger than ~~under~~ 5 years of age,  
9 if provided the programs are operated and staffed directly by  
10 the schools and if provided the programs meet age-appropriate  
11 standards as adopted by the State Board of Education.

12           3. Programs for children younger than ~~under~~ 3 years of  
13 age who are eligible for participation in the programs under  
14 the existing or successor provisions of Pub. L. No. 94-142 or  
15 Pub. L. No. 99-457, if provided the programs are operated and  
16 staffed directly by the schools and if provided the programs  
17 meet age-appropriate standards as adopted by the State Board  
18 of Education.

19           (b) The following programs for children are ~~shall be~~  
20 ~~deemed to be~~ child development services which are ~~care~~ and  
21 ~~shall be~~ subject to this part ~~the provisions of ss.~~  
22 ~~402.301-402.319~~:

23           1. Programs for children who are younger than ~~under~~ 5  
24 years of age when the programs are not operated and staffed  
25 directly by the schools.

26           2. Programs for children younger than ~~under~~ 3 years of  
27 age who are not eligible for participation in the programs  
28 under existing or successor provisions of Pub. L. No. 94-142  
29 or Pub. L. No. 99-457.

30           (c) The State Board of Education shall adopt rules  
31 under s. 120.536(1) and s. 120.54 to administer ~~implement~~ this

1 subsection, including standards for programs in subparagraphs  
2 (a)2. and 3., which recognize the vulnerability of children  
3 younger than ~~under~~ 5 years of age and make special provisions  
4 to ensure their health and safety. The ~~Such~~ rules shall  
5 include, but not be limited to, facilities, personnel staffing  
6 and qualifications, transportation, and health and safety  
7 practices. In preparing these ~~such~~ rules, the Commissioner of  
8 Education shall review existing ~~the~~ standards ~~already existing~~  
9 in the state and the recommendations of appropriate  
10 professional and accreditation agencies.

11 (d) The Department of Education shall monitor  
12 ~~monitoring~~ and enforce ~~enforcement of~~ compliance with the  
13 age-appropriate standards established by rule of the State  
14 Board of Education ~~shall be the responsibility of the~~  
15 ~~Department of Education.~~

16 (2) NONPUBLIC SCHOOLS.--

17 (a) Programs for children younger than ~~under~~ 3 years  
18 of age ~~are shall be deemed to be~~ child development services  
19 which are care ~~and~~ subject to this part ~~the provisions of ss.~~  
20 ~~402.301-402.319.~~

21 (b) Programs for children in 5-year-old kindergarten  
22 and grades one or above are ~~shall not be deemed to be~~ child  
23 development services care ~~and are~~ ~~shall not be~~ subject to this  
24 part ~~the provisions of ss. 402.301-402.319.~~

25 (c) Programs for children who are ~~at least~~ 3 years of  
26 age or older, but who are younger than ~~under~~ 5 years of age,  
27 are ~~shall not be deemed to be~~ child development services care  
28 and are ~~shall not be~~ subject to this part ~~the provisions of~~  
29 ~~ss. 402.301-402.319 relating to child care facilities, if~~  
30 ~~provided~~ the programs in the schools are operated and staffed  
31 directly by the schools, if provided a majority of the

1 children enrolled in the schools are 5 years of age or older,  
2 and if the programs comply ~~provided there is compliance~~ with  
3 the background-screening ~~screening~~ requirements for personnel  
4 under s. 432.73 ~~pursuant to s. 402.305 or s. 402.3057~~. A  
5 nonpublic school may designate certain programs as child  
6 development services ~~care~~, in which case these programs shall  
7 be subject to this part ~~the provisions of ss. 402.301-402.319~~.

8 (d)1. Programs for children who are ~~at least~~ 3 years  
9 of age or older, but who are younger than ~~under~~ 5 years of  
10 age, which are not licensed under this part ~~ss.~~  
11 ~~402.301-402.319~~ shall substantially comply with the minimum  
12 child care standards required for child care centers under  
13 this part ~~promulgated pursuant to ss. 402.305-402.3057~~.

14 2. The department or local licensing agency shall  
15 enforce compliance with these ~~such~~ standards, where  
16 practicable ~~possible~~, to eliminate or minimize duplicative  
17 inspections or visits by staff enforcing the minimum child  
18 development ~~care~~ standards and staff enforcing other standards  
19 under the jurisdiction of the department.

20 3. The department or local licensing agency may  
21 commence and maintain all proper and necessary actions and  
22 proceedings for any or all of the following purposes:

23 a. To protect the health, sanitation, safety, and  
24 well-being of all children receiving child development  
25 services ~~under care~~.

26 b. To enforce its rules and regulations.

27 c. To use corrective action plans, whenever  
28 practicable ~~possible~~, to attain compliance before ~~prior to~~ the  
29 use of more restrictive enforcement measures.

30 d. To apply ~~make application~~ for an injunction to the  
31 proper circuit court, and the judge of that court shall have

1 jurisdiction upon hearing and for cause shown to grant a  
2 temporary or permanent injunction, or both, restraining any  
3 person from violating or continuing to violate this part ~~any~~  
4 ~~of the provisions of ss. 402.301-402.319~~. Any violation of  
5 this section or of the minimum standards required for child  
6 care centers ~~applied~~ under this part ~~ss. 402.305-402.3057~~  
7 which threatens harm to any child in the school's programs for  
8 children who are ~~at least~~ 3 years of age or older, but are  
9 younger than ~~under~~ 5 years of age, or repeated violations of  
10 this section or the minimum standards required for child care  
11 centers under this part ~~ss. 402.305-402.3057~~, shall be grounds  
12 to seek an injunction to close a program in a school.

13 e. To impose an administrative fine, not to exceed  
14 \$100, for each violation of the minimum ~~child care~~ standards  
15 required for child care centers under this part promulgated  
16 pursuant to ss. 402.305-402.3057.

17 4. It is a misdemeanor of the first degree, punishable  
18 as provided in s. 775.082 or s. 775.083, for any person  
19 willfully, knowingly, or intentionally to:

20 a. Fail, by false statement, misrepresentation,  
21 impersonation, or other fraudulent means, to disclose in any  
22 required written documentation for exemption ~~exclusion~~ from  
23 licensure under ~~pursuant to~~ this section a material fact used  
24 in making a determination of the exemption ~~as to such~~  
25 ~~exclusion~~; or

26 b. Use information from ~~the~~ criminal records obtained  
27 under this part ~~s. 402.305 or s. 402.3055~~ for any purpose  
28 other than screening that person for employment as specified  
29 in this part ~~those sections~~ or release that ~~such~~ information  
30 to any other person for any purpose other than screening for  
31 employment as specified in this part ~~those sections~~.



1           5. It is a felony of the third degree, punishable as  
2 provided in s. 775.082, s. 775.083, or s. 775.084, for any  
3 person willfully, knowingly, or intentionally to use  
4 information from the juvenile records of any person obtained  
5 under this part ~~s. 402.305 or s. 402.3055~~ for any purpose  
6 other than screening for employment as specified in this part  
7 ~~those sections~~ or to release information from the ~~such~~ records  
8 to any other person for any purpose other than screening for  
9 employment as specified in this part ~~those sections~~.

10           (e) The department and the nonpublic school  
11 accrediting agencies are encouraged to develop agreements to  
12 facilitate the enforcement of the minimum ~~child care~~ standards  
13 as they relate to the schools that ~~which~~ the agencies  
14 accredit.

15           (3) INSPECTION FEE.--The department shall establish by  
16 rule a fee for inspection activities performed under ~~pursuant~~  
17 ~~to~~ this section, in an amount sufficient to cover costs.  
18 However, the amount of the ~~such~~ fee for the inspection of a  
19 school may ~~shall~~ not exceed the fee imposed for ~~child care~~  
20 licensure of a child care center under s. 432.91 ~~pursuant to~~  
21 ~~s. 402.315~~.

22           Section 73. Section 402.281, Florida Statutes, is  
23 transferred, renumbered as section 432.95, Florida Statutes,  
24 and amended to read:

25           432.95 402.281 Gold Seal Quality ~~Care~~ program;  
26 exemptions from ad valorem taxation.--

27           (1) Child care centers, specialized child care centers  
28 for mildly ill children facilities, large family child care  
29 homes, or family child day care homes that are accredited by a  
30 nationally recognized accrediting association, which  
31 association's ~~whose~~ standards must substantially meet or

1 exceed the standards of the National Association for the  
2 Education of Young Children (NAEYC), the National Association  
3 of Family Child Care, or ~~and~~ the National Early Childhood  
4 Program Accreditation Commission, shall receive a separate  
5 "Gold Seal Quality ~~Care~~" designation to operate as a gold seal  
6 child care center, a gold seal specialized child care center  
7 for mildly ill children facility, a gold seal large family  
8 child care home, or a gold seal family child day care home.

9 (2) In developing the Gold Seal Quality ~~Care~~ program  
10 standards, the department shall consult with the Florida  
11 Partnership for School Readiness, the Department of Education,  
12 the Florida Head Start Directors Association, the Florida  
13 Association of Child Care Management, the Florida Family Day  
14 Care Association, the Florida Children's Forum, ~~the State~~  
15 ~~Coordinating Council for School Readiness Programs,~~ the Early  
16 Childhood Association of Florida, the National Association for  
17 Child Development Education, child development providers  
18 receiving exemptions under s. 432.92 ~~s. 402.316~~, and parents,  
19 for the purpose of approving the accrediting associations.

20 (3) A child care center licensed under s. 432.81,  
21 specialized child care center for mildly ill children licensed  
22 under s. 432.82, or child care center exempt from licensure  
23 under s. 432.92, which holds a current Gold Seal Quality  
24 designation under this section, is an educational institution  
25 for the purpose of qualifying for exemption from ad valorem  
26 taxation under s. 196.198.

27 Section 74. Section 402.314, Florida Statutes, is  
28 transferred, renumbered as section 432.96, Florida Statutes,  
29 and amended to read:

30 432.96 ~~402.314~~ Supportive services.--

31

1           (1) The department shall provide consultation  
2 services, technical assistance, and inservice training, when  
3 requested and as available, to directors or operators,  
4 licensees, registrants, and applicants to help improve all  
5 programs, homes, and facilities for child development  
6 providers care, and shall work cooperatively with other  
7 organizations and agencies concerned with child development  
8 services care.

9           (2) The department shall maintain a database,  
10 available to the public on an Internet website, to inform the  
11 public of available child development providers.

12           Section 75. Section 432.97, Florida Statutes, is  
13 created to read:

14           432.97 Rulemaking.--The department may adopt rules  
15 under s. 120.536(1) and s. 120.54 to administer the provisions  
16 of this part conferring duties upon the department.

17           Section 76. Section 402.319, Florida Statutes, is  
18 transferred, renumbered as section 432.98, Florida Statutes,  
19 and amended to read:

20           432.98 ~~402.319~~ Penalties.--

21           (1) It is a misdemeanor of the first degree,  
22 punishable as provided in s. 775.082 or s. 775.083, for any  
23 person knowingly to:

24           (a) Fail, by false statement, misrepresentation,  
25 impersonation, or other fraudulent means, to disclose in any  
26 application for voluntary or paid employment or licensure  
27 regulated under this part ~~ss. 402.301-402.318~~ all information  
28 required under this part ~~those sections~~ or a material fact  
29 used in making a determination as to the ~~such~~ person's  
30 qualifications to be a child development ~~care~~ personnel, as  
31

1 defined in s. 432.01 ~~s. 402.302~~, in a child care facility,  
2 family day care home, or other child care program.

3 (b) Operate or attempt to operate as a child care  
4 center, specialized child care center for mildly ill children,  
5 or large family child care home facility without having  
6 ~~procured~~ a license as required under by this part act.

7 (c) Operate or attempt to operate as a family child  
8 day care home without a license required under this part, or  
9 without registering with the department if required under this  
10 part, whichever is applicable.

11 (d) Operate or attempt to operate as a child  
12 development provider ~~care facility or family day care home~~  
13 under a license that is suspended, revoked, or terminated.

14 (e) Misrepresent, by act or omission, a child  
15 development provider ~~care facility or family day care home~~ to  
16 be ~~duly~~ licensed under pursuant to this part act without the  
17 provider's being ~~so~~ licensed.

18 (f) Make any other misrepresentation, by act or  
19 omission, regarding the licensure or operation of a child  
20 development provider ~~care facility or family day care home~~ to  
21 a parent or guardian who has a child enrolled for services  
22 with ~~placed in~~ the provider facility or is inquiring about  
23 enrolling ~~as to placing~~ a child for services with ~~in~~ the  
24 provider facility, or to a representative of the licensing  
25 authority, ~~or to a representative of~~ a law enforcement agency,  
26 including, but not limited to, any misrepresentation as to:

27 1. The number of children being served by at the child  
28 development provider, whether on the premises of ~~care facility~~  
29 or the provider or at another location ~~family day care home;~~  
30  
31

1           2. The part of the premises of a child development  
2 provider ~~care facility or family day care home~~ designated for  
3 providing child development services ~~care~~;

4           3. The qualifications or credentials of child  
5 development ~~care~~ personnel;

6           4. Whether a ~~family day care home~~ or child development  
7 provider ~~care facility~~ complies with the background-screening  
8 screening requirements of this part, including the  
9 requirements in s. 432.73 ~~s. 402.305~~; or

10           5. Whether child development ~~care~~ personnel have the  
11 training ~~as~~ required by this part, including the requirements  
12 in s. 432.74 ~~s. 402.305~~.

13           (2) If any child development ~~care~~ personnel makes any  
14 misrepresentation in violation of this section to a parent or  
15 guardian who has enrolled ~~placed~~ a child for services with ~~in~~  
16 the child development provider ~~care facility or family day~~  
17 ~~care home~~, and the parent or guardian relies ~~relied~~ upon the  
18 misrepresentation, and the child suffers great bodily harm,  
19 permanent disfigurement, permanent disability, or death as a  
20 result of an intentional act or negligence by the child  
21 development ~~care~~ personnel, ~~then~~ the child development ~~care~~  
22 personnel commits a felony of the second degree, punishable as  
23 provided in s. 775.082, s. 775.083, or s. 775.084.

24           Section 77. Paragraph (c) of subsection (1) and  
25 subsection (4) of section 445.023, Florida Statutes, are  
26 amended to read:

27           445.023 Program for dependent care for families with  
28 children with special needs.--

29           (1) There is created the program for dependent care  
30 for families with children with special needs. This program  
31

1 is intended to provide assistance to families with children  
2 who meet the following requirements:

3 (c) The family is economically disadvantaged as  
4 defined in s. 432.31 ~~meets the income guidelines established~~  
5 ~~under s. 411.01(6)~~, notwithstanding any financial eligibility  
6 criteria to the contrary in s. 414.075, s. 414.085, or s.  
7 414.095.

8 (4) In addition to school readiness services provided  
9 under chapter 432 ~~s. 411.01~~, dependent care may be provided  
10 for children age 13 years and older who are in need of care  
11 due to disability and where such care is needed for the parent  
12 to accept or continue employment or otherwise participate in  
13 work activities. The amount of subsidy shall be consistent  
14 with the rates for special needs child development services on  
15 ~~care established by the~~ prevailing market-rate schedule  
16 adopted under s. 432.12 ~~department~~. Dependent care needed for  
17 employment may be provided as transitional services for up to  
18 2 years after eligibility for temporary cash assistance ends.

19 Section 78. Paragraph (a) of subsection (2) of section  
20 490.014, Florida Statutes, is amended to read:

21 490.014 Exemptions.--

22 (2) No person shall be required to be licensed or  
23 provisionally licensed under this chapter who:

24 (a) Is a salaried employee of a government agency;  
25 developmental services program, mental health, alcohol, or  
26 drug abuse facility operating under ~~pursuant to~~ chapter 393,  
27 chapter 394, or chapter 397; school readiness ~~subsidized child~~  
28 ~~care program, subsidized child care case management program,~~  
29 or the statewide child care resource and referral network  
30 ~~program operating under chapter 432 pursuant to chapter 402;~~  
31 child-placing or child-caring agency licensed under pursuant

1 ~~to~~ chapter 409; domestic violence center certified under  
2 ~~pursuant to~~ chapter 39; accredited academic institution; or  
3 research institution, if the ~~such~~ employee is performing  
4 duties for which he or she was trained and hired solely within  
5 the confines of the ~~such~~ agency, facility, or institution, so  
6 long as the employee is not held out to the public as a  
7 psychologist under ~~pursuant to~~ s. 490.012(1)(a).

8 Section 79. Paragraph (a) of subsection (4) of section  
9 491.014, Florida Statutes, is amended to read:

10 491.014 Exemptions.--

11 (4) No person shall be required to be licensed,  
12 provisionally licensed, registered, or certified under this  
13 chapter who:

14 (a) Is a salaried employee of a government agency;  
15 developmental services program, mental health, alcohol, or  
16 drug abuse facility operating under ~~pursuant to~~ chapter 393,  
17 chapter 394, or chapter 397; school readiness ~~subsidized child~~  
18 ~~care program, subsidized child care case management program,~~  
19 or the statewide child care resource and referral network  
20 ~~program~~ operating under chapter 432 ~~pursuant to chapter 402~~;  
21 child-placing or child-caring agency licensed under ~~pursuant~~  
22 ~~to~~ chapter 409; domestic violence center certified under  
23 ~~pursuant to~~ chapter 39; accredited academic institution; or  
24 research institution, if the ~~such~~ employee is performing  
25 duties for which he or she was trained and hired solely within  
26 the confines of the ~~such~~ agency, facility, or institution, so  
27 long as the employee is not held out to the public as a  
28 clinical social worker, mental health counselor, or marriage  
29 and family therapist.

30 Section 80. Section 624.5107, Florida Statutes, is  
31 amended to read:

1           624.5107 Child care tax credits; ~~definitions;~~  
2 ~~authorization; limitations; eligibility and application~~  
3 ~~requirements; administration; expiration.~~--

4           (1) DEFINITIONS.--As used in this section:

5           (a) "Child care center facility startup costs" means  
6 expenditures for substantial renovation, equipment, including  
7 playground equipment and kitchen appliances and cooking  
8 equipment, real property, including land and improvements, and  
9 for reduction of debt, made in connection with the  
10 establishment of a child care center facility as defined in s.  
11 432.81 ~~by s. 402.302~~, or a specialized child any facility  
12 ~~providing daily care center for to children who are~~ mildly ill  
13 children, which is located in this state on the insurer's  
14 premises and used by the employees of the insurer.

15           (b) "Operation of a child care center facility" means  
16 operation of a child care center facility as defined in s.  
17 432.81 ~~by s. 402.302~~, or a specialized child any facility  
18 ~~providing daily care center for to children who are~~ mildly ill  
19 children, which is located in this state within 5 miles of at  
20 least one place of business of the insurer and which is used  
21 by the employees of the insurer.

22           (c) "Department" means the Department of Revenue.

23           (d) "Executive director" means the executive director  
24 of the Department of Revenue.

25           (2) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

26           (a)1. A credit of 50 percent of the startup costs of  
27 child care centers facilities operated by an insurer for its  
28 employees is allowed against any tax due for a taxable year  
29 under s. 624.509 or s. 624.510. A credit against the such tax  
30 is also allowed for the operation of a child care center  
31 facility by an insurer for its employees, which credit is in



1 the amount of \$50 per month for each child enrolled in the  
2 center facility.  
3         2. A credit is allowed against any tax due for a  
4 taxable year under s. 624.509 or s. 624.510 for any insurer  
5 that makes payments directly to a child care center that  
6 facility as defined by s. 402.302 which is licensed in  
7 accordance with s. 432.81 ~~s. 402.305~~, or to a specialized  
8 child any facility providing daily care center for to children  
9 ~~who are~~ mildly ill children, which payments are made in the  
10 name of and for the benefit of an employee of the insurer in  
11 this state whose child attends the child care center facility  
12 during the employee's working hours. The credit shall be an  
13 amount equal to 50 percent of the amount of the ~~such~~ child  
14 care payments.  
15         (b) An insurer may not receive more than \$50,000 in  
16 annual tax credits for all approved child care costs that the  
17 insurer incurs in any one year.  
18         (c) The total amount of tax credits which may be  
19 granted for all programs approved under this section and s.  
20 220.19 is \$2 million annually.  
21         (d) An application for tax credit under this section  
22 must be approved by the executive director.  
23         (e) If the credit granted under this section is not  
24 fully used in any one year because of insufficient tax  
25 liability on the part of the insurer, the unused amount may be  
26 carried forward for a period not to exceed 5 years. The  
27 carryover credit may be used in a subsequent year when the tax  
28 imposed by s. 624.509 or s. 624.510 for that year exceeds the  
29 credit for which the insurer is eligible in that year under  
30 this section.  
31

1 (f) If an insurer receives a credit for child care  
2 center facility startup costs, and the center facility fails  
3 to operate for at least 5 years, a pro rata share of the  
4 credit must be repaid, in accordance with the formula:  $A = C$   
5  $\times (1 - (N/60))$ , where:

6 1. "A" is the amount in dollars of the required  
7 repayment.

8 2. "C" is the total credits taken by the insurer for  
9 child care center facility startup costs.

10 3. "N" is the number of months the center facility was  
11 in operation.

12  
13 This repayment requirement is inapplicable if the insurer goes  
14 out of business or can demonstrate to the department that its  
15 employees no longer want to have a child care center facility.

16 (3) ELIGIBILITY REQUIREMENTS.--

17 (a) A child care center for facility with respect to  
18 which an insurer claims a child care tax credit must be a  
19 child care center that is facility as defined by s. 402.302  
20 and must be licensed in accordance with s. 432.81 s. 402.305,  
21 or must be a specialized child facility providing daily care  
22 center for to children who are mildly ill children.

23 (b) The services of a child care center facility for  
24 which an insurer claims a child care tax credit under  
25 subparagraph (2)(a)1. must be available to all employees of  
26 the insurer or must be allocated on a first-come, first-served  
27 basis, and must be used by employees of the insurer.

28 (c) Child care payments for which an insurer claims a  
29 credit under subparagraph (2)(a)2. shall not exceed the amount  
30 charged by the child care center facility to other children of  
31 like age and abilities of persons not employed by the insurer.

1           (4) APPLICATION REQUIREMENTS.--Any insurer that wishes  
2 to participate in this program must submit to the department  
3 an application for tax credit which sets forth the proposal  
4 for establishing a child care center ~~facility~~ for the use of  
5 its employees or for payment of the cost of child care for its  
6 employees. This application must state the anticipated startup  
7 costs and the number of children to be enrolled, in the case  
8 of credit claimed under subparagraph (2)(a)1., or the number  
9 of children for whom child care costs will be paid, in the  
10 case of credit claimed under subparagraph (2)(a)2.

11           (5) ADMINISTRATION.--

12           (a) The Department of Revenue may adopt ~~all~~ rules  
13 under s. 120.536(1) and s. 120.54 ~~pursuant to the~~  
14 ~~Administrative Procedure Act~~ to administer this section,  
15 including rules for the approval or disapproval of proposals  
16 submitted by insurers and rules to provide for cooperative  
17 arrangements between for-profit and not-for-profit entities.

18           (b) The executive director's decision to approve or  
19 disapprove a proposal must be in writing, and, if the proposal  
20 is approved, the decision must state the maximum credit  
21 allowable to the insurer.

22           (c) All approvals for the granting of the tax credit  
23 require prior verification by the Department of Children and  
24 Family Services or local licensing agency that the insurer's  
25 child care center insurer meets the licensure requirements  
26 under s. 432.81, as defined in s. 402.302 and is currently  
27 licensed in accordance with s. 432.76 and s. 432.81 ~~s.~~  
28 ~~402.305~~, or is a specialized child facility providing daily  
29 care center for ~~to children who are~~ mildly ill children.

30           (d) Verification of the child care center ~~provider~~ as  
31 an approved center ~~facility~~ must be in writing and must be

1 attached to the credit application form submitted to the  
2 Department of Revenue.

3 (6) EXPIRATION.--This section expires on June 30,  
4 2008, except that paragraph (2)(e), which relates to carryover  
5 credits, and paragraph (2)(f), which relates to repaying tax  
6 credits in specified circumstances, do not expire on that  
7 date.

8 Section 81. Section 627.70161, Florida Statutes, is  
9 amended to read:

10 627.70161 Family child day care insurance.--

11 (1) PURPOSE AND INTENT.--The Legislature recognizes  
12 that family child day care homes fulfill a vital role in  
13 providing child development services ~~care~~ in Florida. It is  
14 the intent of the Legislature that residential property  
15 insurance coverage should not be canceled, denied, or  
16 nonrenewed solely on the basis that a ~~of the~~ family child day  
17 care home provides child development services at the  
18 residence. The Legislature also recognizes that the potential  
19 liability of residential property insurers is substantially  
20 increased by the rendition of child development ~~care~~ services  
21 on the premises. The Legislature therefore finds that there is  
22 a public need to specify that contractual liabilities that  
23 arise in connection with the operation of the family child day  
24 care home are excluded from residential property insurance  
25 policies unless they are specifically included in the ~~such~~  
26 coverage.

27 (2) DEFINITIONS.--As used in this section, the term:

28 (a) "Child development services ~~care~~" has means the  
29 meaning ascribed in s. 432.01 ~~care, protection, and~~  
30 ~~supervision of a child, for a period of less than 24 hours a~~  
31 ~~day on a regular basis, which supplements parental care,~~

1 ~~enrichment, and health supervision for the child, in~~  
2 ~~accordance with his or her individual needs, and for which a~~  
3 ~~payment, fee, or grant is made for care.~~

4 (b) "Family child day care home" means the type of an  
5 ~~occupied residence in which child development provider defined~~  
6 in s. 432.83 ~~care is regularly provided for children from at~~  
7 ~~least two unrelated families and which receives a payment,~~  
8 ~~fee, or grant for any of the children receiving care, whether~~  
9 ~~or not operated for a profit.~~

10 (3) FAMILY CHILD DAY CARE; COVERAGE.--A residential  
11 property insurance policy shall not provide coverage for  
12 liability for claims arising out of, or in connection with,  
13 the operation of a family child day care home, and the insurer  
14 shall be under no obligation to defend against lawsuits  
15 covering these ~~such~~ claims, unless:

16 (a) Specifically covered in a policy; or

17 (b) Covered by a rider or endorsement for business  
18 coverage attached to a policy.

19 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW  
20 PROHIBITED.--An insurer may not deny, cancel, or refuse to  
21 renew a policy for residential property insurance solely on  
22 the basis that the policyholder or applicant operates a family  
23 child day care home. In addition to other lawful reasons for  
24 refusing to insure, an insurer may deny, cancel, or refuse to  
25 renew a policy of a family child day care home provider if one  
26 or more of the following conditions occur:

27 (a) The policyholder or applicant provides child  
28 development services ~~care~~ for more children than authorized  
29 for family child day care homes under s. 432.83 ~~by s. 402.302;~~

30 (b) The policyholder or applicant fails to maintain a  
31 separate commercial liability policy or an endorsement

1 providing liability coverage for the family child day care  
2 home's home operations;

3 (c) The policyholder or applicant fails to comply with  
4 the family child day care home licensure and registration  
5 requirements specified in s. 432.83 ~~s. 402.313~~; or

6 (d) Discovery of willful or grossly negligent acts or  
7 omissions or any violations of state laws or regulations  
8 establishing safety standards for family child day care homes  
9 by the named insured or his or her representative which  
10 materially increase any of the risks insured.

11 Section 82. Paragraph (c) of subsection (1) of section  
12 893.13, Florida Statutes, is amended to read:

13 893.13 Prohibited acts; penalties.--

14 (1)

15 (c) Except as authorized by this chapter, it is  
16 unlawful for any person to sell, manufacture, or deliver, or  
17 possess with intent to sell, manufacture, or deliver, a  
18 controlled substance in, on, or within 1,000 feet of the real  
19 property comprising a child care center or specialized child  
20 care center for mildly ill children facility as defined in s.  
21 432.81 or s. 432.82 ~~s. 402.302~~ or a public or private  
22 elementary, middle, or secondary school between the hours of 6  
23 a.m. and 12 midnight, or at any time in, on, or within 1,000  
24 feet of real property comprising a state, county, or municipal  
25 park, a community center, or a publicly owned recreational  
26 facility. For the purposes of this paragraph, the term  
27 "community center" means a facility operated by a nonprofit  
28 community-based organization for the provision of  
29 recreational, social, or educational services to the public.  
30 Any person who violates this paragraph with respect to:

31

1           1. A controlled substance named or described in s.  
2 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
3 commits a felony of the first degree, punishable as provided  
4 in s. 775.082, s. 775.083, or s. 775.084. The defendant must  
5 be sentenced to a minimum term of imprisonment of 3 calendar  
6 years unless the offense was committed within 1,000 feet of  
7 the real property comprising a child care center or  
8 specialized child care center for mildly ill children facility  
9 as defined in s. 432.81 or s. 432.82 ~~s. 402.302~~.

10           2. A controlled substance named or described in s.  
11 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
12 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
13 felony of the second degree, punishable as provided in s.  
14 775.082, s. 775.083, or s. 775.084.

15           3. Any other controlled substance, except as lawfully  
16 sold, manufactured, or delivered, must be sentenced to pay a  
17 \$500 fine and to serve 100 hours of public service in addition  
18 to any other penalty prescribed by law.

19  
20 This paragraph does not apply to a child care center or  
21 specialized child care center for mildly ill children facility  
22 unless the owner or director ~~operator~~ of the center facility  
23 posts a sign that is at least ~~not less than~~ 2 square feet in  
24 size with a word legend identifying the center facility as a  
25 licensed child care center or licensed specialized child care  
26 center for mildly ill children facility and that is posted on  
27 the property of the center ~~child care facility~~ in a  
28 conspicuous place where the sign is reasonably visible to the  
29 public.

30           Section 83. Subsection (2) of section 985.04, Florida  
31 Statutes, is amended to read:

1           985.04 Oaths; records; confidential information.--  
2           (2) Records maintained by the Department of Juvenile  
3 Justice, including copies of records maintained by the court,  
4 which pertain to a child found to have committed a delinquent  
5 act which, if committed by an adult, would be a crime  
6 specified in ss. 435.03 and 435.04 may not be destroyed  
7 pursuant to this section for a period of 25 years after the  
8 youth's final referral to the department, except in cases of  
9 the death of the child. Such records, however, shall be sealed  
10 by the court for use only in meeting the screening  
11 requirements for personnel in s. 432.72 or s. 432.73 ~~s.~~  
12 ~~402.3055~~ and the other sections cited above, or pursuant to  
13 departmental rule; however, current criminal history  
14 information must be obtained from the Department of Law  
15 Enforcement in accordance with s. 943.053. The information  
16 shall be released to those persons specified in the above  
17 cited sections for the purposes of complying with those  
18 sections. The court may punish by contempt any person who  
19 releases or uses the records for any unauthorized purpose.

20           Section 84. Paragraph (e) of subsection (4) of section  
21 985.05, Florida Statutes, is amended to read:

22           985.05 Court records.--

23           (4) A court record of proceedings under this part is  
24 not admissible in evidence in any other civil or criminal  
25 proceeding, except that:

26           (e) Records of proceedings under this part may be used  
27 to prove disqualification under ~~pursuant to~~ ss. 110.1127,  
28 393.0655, 394.457, 397.451, 432.81-432.84 ~~402.305, 402.313,~~  
29 409.175, 409.176, and 985.407.

30           Section 85. Paragraph (c) of subsection (2) of section  
31 1002.42, Florida Statutes, is amended to read:



1           1002.42 Private schools.--

2           (2) ANNUAL PRIVATE SCHOOL SURVEY.--

3           (c)1. Notwithstanding ~~the provisions of~~ paragraph (h),  
4 each person who is an owner or who establishes, purchases, or  
5 otherwise becomes an owner of a private school shall, within 5  
6 days of assuming ownership of a school, file with the  
7 Department of Law Enforcement a complete set of fingerprints  
8 for state processing and checking for criminal background. The  
9 fingerprints shall be taken by an authorized law enforcement  
10 officer or an employee of the school who is trained to take  
11 fingerprints. The costs of fingerprinting, criminal records  
12 checking, and processing shall be borne by the applicant or  
13 private school. The result of the criminal records checking  
14 by the Department of Law Enforcement shall be forwarded to the  
15 owner of the private school and shall be made available for  
16 public inspection in the private school office as soon as it  
17 is received.

18           2. It is ~~shall be~~ unlawful for a person who has been  
19 convicted of a crime involving moral turpitude to own or  
20 operate a private school.

21           3. An owner of a private school may require school  
22 employees to file a complete set of fingerprints with the  
23 Department of Law Enforcement for processing and criminal  
24 records checking. Findings from the ~~such~~ processing and  
25 checking shall be reported to the owner for use in employment  
26 decisions.

27           4. Owners or employees of private schools who have  
28 been fingerprinted under ~~pursuant to~~ this paragraph, s.  
29 1012.32, or s. 432.73 ~~are s. 402.3055~~ shall not be required to  
30 be refingerprinted if they have not been unemployed or  
31

1 unassociated with a private school or child development  
2 provider care facility for more than 90 days.

3           5. Persons holding a valid Florida teaching  
4 certificate who have been fingerprinted under ~~pursuant to s.~~  
5 1012.35 are ~~shall not be~~ required to comply with the  
6 ~~provisions of~~ this paragraph.

7           Section 86. Section 1008.21, Florida Statutes, is  
8 amended to read:

9           1008.21 School readiness uniform screening  
10 (kindergarten).--

11           ~~(1)~~ The Department of Education shall implement the  
12 school readiness uniform screening in accordance with s.  
13 432.57 ~~developed by the Florida Partnership for School~~  
14 ~~Readiness, and shall require that all school districts~~  
15 ~~administer the kindergarten uniform screening to each~~  
16 ~~kindergarten student in the district school system upon the~~  
17 ~~student's entry into kindergarten.~~

18           ~~(2)(a)~~ ~~The Department of Education shall implement the~~  
19 ~~school readiness uniform screening to validate the system~~  
20 ~~recommended by the Florida Partnership for School Readiness as~~  
21 ~~part of a comprehensive evaluation design. Beginning with the~~  
22 ~~2002-2003 school year, the department shall require that all~~  
23 ~~school districts administer the school readiness uniform~~  
24 ~~screening to each kindergarten student in the district school~~  
25 ~~system upon the student's entry into kindergarten. Children~~  
26 ~~who enter public school for the first time in first grade must~~  
27 ~~be administered the school readiness uniform screening adopted~~  
28 ~~for use in first grade. The department shall incorporate~~  
29 ~~school readiness data into the K-20 data warehouse for~~  
30 ~~longitudinal tracking.~~

31

1           ~~(b) The uniform screening shall provide objective data~~  
2 ~~regarding the following expectations for school readiness~~  
3 ~~which shall include, at a minimum:~~

4           ~~1. The child's immunizations and other health~~  
5 ~~requirements as necessary, including appropriate vision and~~  
6 ~~hearing screening and examinations.~~

7           ~~2. The child's physical development.~~

8           ~~3. The child's compliance with rules, limitations, and~~  
9 ~~routines.~~

10          ~~4. The child's ability to perform tasks.~~

11          ~~5. The child's interactions with adults.~~

12          ~~6. The child's interactions with peers.~~

13          ~~7. The child's ability to cope with challenges.~~

14          ~~8. The child's self-help skills.~~

15          ~~9. The child's ability to express his or her needs.~~

16          ~~10. The child's verbal communication skills.~~

17          ~~11. The child's problem-solving skills.~~

18          ~~12. The child's ability to follow verbal directions.~~

19          ~~13. The child's demonstration of curiosity,~~  
20 ~~persistence, and exploratory behavior.~~

21          ~~14. The child's interest in books and other printed~~  
22 ~~materials.~~

23          ~~15. The child's ability to pay attention to stories.~~

24          ~~16. The child's participation in art and music~~  
25 ~~activities.~~

26          ~~17. The child's ability to identify colors, geometric~~  
27 ~~shapes, letters of the alphabet, numbers, and spatial and~~  
28 ~~temporal relationships.~~

29           Section 87. Paragraph (b) of subsection (4) of section  
30 1009.64, Florida Statutes, is amended to read:

31

1           1009.64 Certified Education Paraprofessional Welfare  
2 Transition Program.--

3           (4) The agencies shall complete an implementation plan  
4 that addresses at least the following recommended components  
5 of the program:

6           (b) A budget for use of incentive funding to provide  
7 motivation to participants to succeed and excel. The budget  
8 for incentive funding includes:

9           1. Funds allocated by the Legislature directly for the  
10 program.

11           2. Funds that may be made available from the federal  
12 Workforce Investment Act based on client eligibility or  
13 requested waivers to make the clients eligible.

14           3. Funds made available by implementation strategies  
15 that would make maximum use of work supplementation funds  
16 authorized by federal law.

17           4. Funds authorized by strategies to lengthen  
18 participants' eligibility for federal programs such as  
19 Medicaid, school readiness programs ~~subsidized child care~~, and  
20 transportation.

21  
22 Incentives may include a stipend during periods of college  
23 classroom training, a bonus and recognition for a high  
24 grade-point average, child development ~~care and~~  
25 ~~prekindergarten~~ services for children of participants, and  
26 services to increase a participant's ability to advance to  
27 higher levels of employment. Nonfinancial incentives should  
28 include providing a mentor or tutor, and service incentives  
29 should continue and increase for any participant who plans to  
30 complete the baccalaureate degree and become a certified  
31 teacher. Services may be provided in accordance with family

1 choice by community colleges and school district technical  
2 centers, through family service centers and full-service  
3 schools, or under contract with providers through central  
4 agencies.

5 Section 88. All powers, duties, functions, rules,  
6 records, personnel, property, and unexpended balances of  
7 appropriations, allocations, and other funds of the statewide  
8 resource and referral network and the Child Care Executive  
9 Partnership are transferred by a type two transfer, as defined  
10 in section 20.06(2), Florida Statutes, from the Agency for  
11 Workforce Innovation to the Florida Partnership for School  
12 Readiness.

13 Section 89. Sections 402.26, 402.301, 402.3135, and  
14 411.01, Florida Statutes, are repealed.

15 Section 90. Except as otherwise expressly provided in  
16 this act, this act shall take effect October 1, 2004.

17

18 \*\*\*\*\*

19

SENATE SUMMARY

20 Revises and reorganizes laws governing child development  
21 programs and school readiness programs and services. (See  
22 bill for details.)

22

23

24

25

26

27

28

29

30

31