

1 A bill to be entitled
2 An act relating to child care; renumbering and amending s.
3 402.3017, F.S.; transferring authority for administration
4 of the Teacher Education and Compensation Helps (TEACH)
5 scholarship program from the Department of Children and
6 Family Services to the Agency for Workforce Innovation;
7 amending s. 402.281, F.S.; providing additional criteria
8 for a child care provider to obtain and maintain Gold Seal
9 Quality Care designation; authorizing the Department of
10 Children and Family Services to adopt rules; amending s.
11 402.302, F.S.; revising the definition of the term
12 "screening" to broaden the requirements for the screening
13 of volunteers in child care facilities; amending s.
14 402.309, F.S.; authorizing the local licensing agency or
15 the Department of Children and Family Services to issue a
16 provisional license or registration to a child care
17 facility, family day care home, or large family child care
18 home; providing that a provisional license or registration
19 may not be issued unless child care personnel are screened
20 according to law; requiring the department to adopt rules
21 for issuing, suspending, and revoking provisional licenses
22 and registrations; amending s. 402.310, F.S.; revising
23 applicability of disciplinary actions and fines to include
24 certain providers registered with the department; amending
25 s. 402.313, F.S.; removing a provision relating to a fine
26 to conform to changes made by the act; requiring minimum
27 safety standards for family day care homes; amending s.
28 402.3131, F.S.; removing a provision relating to a fine to

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29 conform to changes made by the act; providing an effective
 30 date.

31

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

33

34 Section 1. Section 402.3017, Florida Statutes, is
 35 renumbered as section 411.0103, Florida Statutes, and amended to
 36 read:

37 411.0103 ~~402.3017~~ Teacher Education and Compensation Helps
 38 (TEACH) scholarship program.--

39 (1) The Legislature finds that the level of early child
 40 care teacher education and training is a key predictor for
 41 determining program quality. The Legislature also finds that low
 42 wages for child care workers prevent many from obtaining
 43 increased training and education and contribute to high turnover
 44 rates. The Legislature therefore intends to help fund a program
 45 which links teacher training and education to compensation and
 46 commitment to the field of early childhood education.

47 (2) The Agency for Workforce Innovation shall ~~Department~~
 48 ~~of Children and Family Services~~ is authorized to contract for
 49 the administration of the Teacher Education and Compensation
 50 Helps (TEACH) scholarship program, which provides educational
 51 scholarships to caregivers and administrators of early childhood
 52 programs, family day care homes, and large family child care
 53 homes.

54 (3) The Agency for Workforce Innovation ~~department~~ shall
 55 adopt rules under ss. 120.536(1) and 120.54 as necessary to
 56 administer ~~implement~~ this section.

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57 ~~(4) For the 2005-2006 fiscal year only, the Agency for~~
58 ~~Workforce Innovation shall administer this section. This~~
59 ~~subsection expires July 1, 2006.~~

60 Section 2. Subsections (3) and (4) are added to section
61 402.281, Florida Statutes, to read:

62 402.281 Gold Seal Quality Care program.--

63 (3) In order for a child care provider to obtain and
64 maintain Gold Seal Quality Care designation, a child care
65 facility, large family child care home, or family day care home
66 must meet the following additional criteria:

67 (a) A child care provider must not have had any Class 1
68 deficiencies, as defined by rule, within the 2 years preceding
69 application for Gold Seal Quality Care designation. The
70 commission of a Class 1 violation is grounds for the termination
71 of Gold Seal Quality Care designation. Gold Seal Quality Care
72 designation may not be restored until the provider has had no
73 Class 1 violations for 2 consecutive years.

74 (b) A child care provider must not have had three or more
75 Class 2 deficiencies, as defined by rule, within the 2 years
76 preceding application for Gold Seal Quality Care designation.
77 The commission of three or more Class 2 violations within a 2-
78 year period shall be grounds for termination of Gold Seal
79 Quality Care designation. Gold Seal Quality Care designation may
80 not be restored until the provider has had no Class 2 violations
81 for 1 year.

82 (c) A child care provider must not have been cited for the
83 same Class 3 violation, as defined by rule, three or more times
84 within the 2 consecutive years preceding application for Gold

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85 Seal Quality Care designation. The commission of the same Class
 86 3 violation three or more times during a 2-year period is
 87 grounds for termination of Gold Seal Quality Care designation.
 88 Gold Seal Quality Care designation may not be restored until the
 89 provider has not committed the same Class 3 violation for 1
 90 year.

91 (4) The Department of Children and Family Services may
 92 adopt rules under ss. 120.536(1) and 120.54 that provide
 93 criteria and procedures for reviewing and approving accrediting
 94 agencies for participation in the Gold Seal Quality Care
 95 program, conferring and revoking Gold Seal Quality Care
 96 designation, and classifying violations.

97 Section 3. Subsection (13) of section 402.302, Florida
 98 Statutes, is amended to read:

99 402.302 Definitions.--

100 (13) "Screening" means the act of assessing the background
 101 of child care personnel and volunteers and includes, but is not
 102 limited to, employment history checks, local criminal records
 103 checks through local law enforcement agencies, fingerprinting
 104 for all purposes and checks in this subsection, statewide
 105 criminal records checks through the Department of Law
 106 Enforcement, and federal criminal records checks through the
 107 Federal Bureau of Investigation; ~~except that screening for~~
 108 ~~volunteers included under the definition of personnel includes~~
 109 ~~only local criminal records checks through local law enforcement~~
 110 ~~agencies for current residence and residence immediately prior~~
 111 ~~to employment as a volunteer, if different, and statewide~~

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112 ~~criminal records correspondence checks through the Department of~~
 113 ~~Law Enforcement.~~

114 Section 4. Section 402.309, Florida Statutes, is amended
 115 to read:

116 402.309 Provisional license or registration.--

117 (1) The local licensing agency or the department,
 118 whichever is authorized to license child care facilities in a
 119 county, may issue a provisional license for child care
 120 facilities, family day care homes, or large family child care
 121 homes, or a provisional registration for family day care homes
 122 to applicants for an initial ~~a~~ license or registration or to
 123 licensees or registrants seeking a renewal who are unable to
 124 meet ~~conform to~~ all the standards provided for in ss. 402.301-
 125 402.319.

126 (2) A ~~No~~ provisional license or registration may not be
 127 issued unless the operator or owner makes adequate provisions
 128 for the health and safety of the child. A provisional license
 129 may be issued for a child care facility if all of the screening
 130 materials have been timely submitted. ~~however,~~ A provisional
 131 license or registration may not be issued unless the child care
 132 facility, family day care home, or large family child care home
 133 is in compliance with the requirements for screening of child
 134 care personnel in ss. 402.305, ~~and~~ 402.3055, 402.313, and
 135 402.3131, respectively.

136 (3) The provisional license or registration may ~~not~~ shall
 137 ~~in no event~~ be issued for a period that exceeds ~~in excess of~~ 6
 138 months; however, it may be renewed one time for a period that
 139 may not exceed ~~in excess of~~ 6 months under unusual circumstances

140 beyond the control of the applicant.

141 (4) The provisional license or registration may be
 142 suspended or revoked if periodic inspection or review ~~made~~ by
 143 the local licensing agency or the department indicates that
 144 insufficient progress has been made toward compliance.

145 (5) The department shall adopt rules specifying the
 146 conditions and procedures under which a provisional license or
 147 registration may be issued, suspended, or revoked.

148 Section 5. Section 402.310, Florida Statutes, is amended
 149 to read:

150 402.310 Disciplinary actions; hearings upon denial,
 151 suspension, or revocation of license or registration;
 152 administrative fines.--

153 (1)(a) The department or local licensing agency may
 154 administer any of the following disciplinary sanctions for a
 155 violation of any provision of ss. 402.301-402.319 or rules
 156 adopted thereunder: deny, suspend, or revoke a license or

157 1. Impose an administrative fine not to exceed \$100 per
 158 violation, per day, for the violation of any provision of ss.
 159 402.301-402.319 or rules adopted thereunder. However, if where
 160 the violation could or does cause death or serious harm, the
 161 department or local licensing agency may impose an
 162 administrative fine, not to exceed \$500 per violation per day in
 163 addition to or in lieu of any other disciplinary action imposed
 164 pursuant to this section.

165 2. Deny, suspend, or revoke a license or registration.

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166 (b) In determining the appropriate disciplinary action to
167 be taken for a violation as provided in paragraph (a), the
168 following factors shall be considered:

169 1. The severity of the violation, including the
170 probability that death or serious harm to the health or safety
171 of any person will result or has resulted, the severity of the
172 actual or potential harm, and the extent to which the provisions
173 of ss. 402.301-402.319 have been violated.

174 2. Actions taken by the licensee or registrant to correct
175 the violation or to remedy complaints.

176 3. Any previous violations of the licensee or registrant.

177 (2) When the department has reasonable cause to believe
178 that grounds exist for the denial, suspension, or revocation of
179 a license or registration or the imposition of an administrative
180 fine ~~exist~~, it shall determine the matter in accordance with
181 procedures prescribed in chapter 120. When the local licensing
182 agency has reasonable cause to believe that grounds exist for
183 the denial, suspension, or revocation of a license or
184 registration or imposition of an administrative fine ~~exist~~, it
185 shall notify the applicant, registrant, or licensee in writing,
186 stating the grounds upon which the license or registration is
187 being denied, suspended, or revoked or an administrative fine is
188 being imposed. If the applicant, registrant, or licensee makes
189 no written request for a hearing to the local licensing agency
190 within 15 days from receipt of such notice, the license or
191 registration shall be deemed denied, suspended, or revoked or an
192 administrative fine shall be imposed.

193 (3) If a request for a hearing is made to the local
 194 licensing agency, a hearing shall be held within 30 days and
 195 shall be conducted by an individual designated by the county
 196 commission.

197 (4) An applicant, registrant, or licensee shall have the
 198 right to appeal a decision of the local licensing agency to a
 199 representative of the department. Any required hearing shall be
 200 held in the county in which the child care facility, family day
 201 care home, or large family child care home is being operated or
 202 is to be established. The hearing shall be conducted in
 203 accordance with the provisions of chapter 120.

204 Section 6. Paragraphs (b), (c), and (d) of subsection (1)
 205 and subsection (13) of section 402.313, Florida Statutes, are
 206 amended to read:

207 402.313 Family day care homes.--

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

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

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220 (b)~~(e)~~ A family day care home not participating in the
 221 subsidized child care program may volunteer to be licensed under
 222 the provisions of this act.

223 (c)~~(d)~~ The department may provide technical assistance to
 224 counties and family day care home providers to enable counties
 225 and family day care providers to achieve compliance with family
 226 day care homes standards.

227 (13) The department shall, by rule, establish minimum
 228 standards for family day care homes that are required to be
 229 licensed by county licensing ordinance or county licensing
 230 resolution or that voluntarily choose to be licensed. The
 231 standards should include requirements for staffing, training,
 232 maintenance of immunization records, minimum health and safety
 233 standards, reduced standards for the regulation of child care
 234 during evening hours by municipalities and counties, and
 235 enforcement of standards.

236 Section 7. Subsection (1) of section 402.3131, Florida
 237 Statutes, is amended to read:

238 402.3131 Large family child care homes.--

239 (1) Large family child care homes shall be licensed under
 240 this section.

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

244 (a)~~(b)~~ A licensed family day care home must first have
 245 operated for a minimum of 2 consecutive years, with an operator
 246 who has had a child development associate credential or its

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247 equivalent for 1 year, before seeking licensure as a large
248 family child care home.

249 (b)~~(e)~~ The department may provide technical assistance to
250 counties and family day care home providers to enable the
251 counties and providers to achieve compliance with minimum
252 standards for large family child care homes.

253 Section 8. This act shall take effect July 1, 2006.