

1 Section 1. Subsections (3) and (4) are added to
2 section 402.281, Florida Statutes, to read:

3 402.281 Gold Seal Quality Care program.--

4 (3) In order to obtain and maintain a designation as a
5 Gold Seal Quality Care provider, a child care facility, large
6 family child care home, or family day care home must meet the
7 following additional criteria:

8 (a) The child care provider must not have had any
9 class I violations, as defined by rule, within the 2 years
10 preceding its application for designation as a Gold Seal
11 Quality Care provider. Commission of a class I violation
12 shall be grounds for termination of the designation as a Gold
13 Seal Quality Care provider until the provider has no class I
14 violations for a period of 2 years.

15 (b) The child care provider must not have had three or
16 more class II violations, as defined by rule, within the 2
17 years preceding its application for designation as a Gold Seal
18 Quality Care provider. Commission of three or more class II
19 violations within a 2-year period shall be grounds for
20 termination of the designation as a Gold Seal Quality Care
21 provider until the provider has no class II violations for a
22 period of 1 year.

23 (c) The child care provider must not have been cited
24 for the same class III violation, as defined by rule, three or
25 more times within the 2 years preceding its application for
26 designation as a Gold Seal Quality Care provider. Commission
27 of the same class III violation three or more times during a
28 2-year period shall be grounds for termination of the
29 designation as a Gold Seal Quality Care provider until the
30 provider has no class III violations for a period of 1 year.

1 (4) The Department of Children and Family Services may
2 adopt rules under ss. 120.536(1) and 120.54 which provide
3 criteria and procedures for reviewing and approving
4 accrediting associations for participation in the Gold Seal
5 Quality Care program, conferring and revoking designations of
6 Gold Seal Quality Care providers, and classifying violations.

7 Section 2. Subsection (13) of section 402.302, Florida
8 Statutes, is amended to read:

9 402.302 Definitions.--

10 (13) "Screening" means the act of assessing the
11 background of child care personnel and volunteers and
12 includes, but is not limited to, employment history checks,
13 local criminal records checks through local law enforcement
14 agencies, fingerprinting for all purposes and checks in this
15 subsection, statewide criminal records checks through the
16 Department of Law Enforcement, and federal criminal records
17 checks through the Federal Bureau of Investigation; ~~except~~
18 ~~that screening for volunteers included under the definition of~~
19 ~~personnel includes only local criminal records checks through~~
20 ~~local law enforcement agencies for current residence and~~
21 ~~residence immediately prior to employment as a volunteer, if~~
22 ~~different, and statewide criminal records correspondence~~
23 ~~checks through the Department of Law Enforcement.~~

24 Section 3. Section 402.310, Florida Statutes, is
25 amended to read:

26 402.310 Disciplinary actions; hearings upon denial,
27 suspension, or revocation of license or registration;
28 administrative fines.--

29 (1)(a) The department or local licensing agency may
30 administer any of the following disciplinary sanctions for a
31 violation of any provision of ss. 402.301-402.319, or the

1 rules adopted thereunder: deny, suspend, or revoke a license
2 ~~or~~
3 1. Impose an administrative fine not to exceed \$100
4 per violation, per day, ~~for the violation of any provision of~~
5 ~~ss. 402.301-402.319 or rules adopted thereunder.~~ However, if
6 ~~where~~ the violation could or does cause death or serious harm,
7 the department or local licensing agency may impose an
8 administrative fine, not to exceed \$500 per violation per day
9 in addition to or in lieu of any other disciplinary action
10 imposed under this section.
11 2. Deny, suspend, or revoke a license or registration.
12 (b) In determining the appropriate disciplinary action
13 to be taken for a violation as provided in paragraph (a), the
14 following factors shall be considered:
15 1. The severity of the violation, including the
16 probability that death or serious harm to the health or safety
17 of any person will result or has resulted, the severity of the
18 actual or potential harm, and the extent to which the
19 provisions of ss. 402.301-402.319 have been violated.
20 2. Actions taken by the licensee or registrant to
21 correct the violation or to remedy complaints.
22 3. Any previous violations of the licensee or
23 registrant.
24 (2) When the department has reasonable cause to
25 believe that grounds exist for the denial, suspension, or
26 revocation of a license or registration or the imposition of
27 an administrative fine ~~exist~~, it shall determine the matter in
28 accordance with procedures prescribed in chapter 120. When the
29 local licensing agency has reasonable cause to believe that
30 grounds exist for the denial, suspension, or revocation of a
31 license or registration or the imposition of an administrative

1 | fine ~~exist~~, it shall notify the applicant, registrant, or
2 | licensee in writing, stating the grounds upon which the
3 | license or registration is being denied, suspended, or revoked
4 | or an administrative fine is being imposed. If the applicant,
5 | registrant, or licensee makes no written request for a hearing
6 | to the local licensing agency within 15 days from receipt of
7 | such notice, the license or registration shall be deemed
8 | denied, suspended, or revoked or an administrative fine shall
9 | be imposed.

10 | (3) If a request for a hearing is made to the local
11 | licensing agency, a hearing shall be held within 30 days and
12 | shall be conducted by an individual designated by the county
13 | commission.

14 | (4) An applicant, registrant, or licensee shall have
15 | the right to appeal a decision of the local licensing agency
16 | to a representative of the department. Any required hearing
17 | shall be held in the county in which the child care facility,
18 | family day care home, or large family child care home is being
19 | operated or is to be established. The hearing shall be
20 | conducted in accordance with the provisions of chapter 120.

21 | Section 4. Paragraphs (b), (c), and (d) of subsection
22 | (1) and subsection (13) of section 402.313, Florida Statutes,
23 | are amended to read:

24 | 402.313 Family day care homes.--

25 | (1) Family day care homes shall be licensed under this
26 | act if they are presently being licensed under an existing
27 | county licensing ordinance, if they are participating in the
28 | subsidized child care program, or if the board of county
29 | commissioners passes a resolution that family day care homes
30 | be licensed. If no county authority exists for the licensing
31 | of a family day care home, the department shall have the

1 authority to license family day care homes under contract for
2 the purchase-of-service system in the subsidized child care
3 program.

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

7 (b)(e) A family day care home not participating in the
8 subsidized child care program may volunteer to be licensed
9 under the provisions of this act.

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

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

23 Section 5. Subsection (1) of section 402.3131, Florida
24 Statutes, is amended to read:

25 402.3131 Large family child care homes.--

26 (1) Large family child care homes shall be licensed
27 under this section.

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

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

6 ~~(b)(c)~~ The department may provide technical assistance
7 to counties and family day care home providers to enable the
8 counties and providers to achieve compliance with minimum
9 standards for large family child care homes.

10 Section 6. This act shall take effect July 1, 2006.

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13 SENATE SUMMARY

14 Provides criteria that certain child care facilities must
15 meet in order to obtain and maintain a designation as a
16 Gold Seal Quality Care provider. Authorizes the
17 Department of Children and Family Services to adopt rules
18 pertaining to the Gold Seal Quality Care program. Revises
19 the definition of the term "screening" to include
20 volunteers. Authorizes the department or local licensing
21 agency to administer certain disciplinary sanctions to
22 licensees and registrants. Deletes a provision that
23 authorizes the department or local licensing agency to
24 impose an administrative fine on family day care homes
25 that fail to comply with licensure or registration
26 requirements. Provides that the minimum standards
27 required for family day care homes for licensure should
28 include health and safety standards. Deletes a provision
29 that authorizes the department or local licensing agency
30 to impose an administrative fine on large family child
31 care homes that fail to comply with licensure
requirements.