



1 authorizing the Agency for Workforce Innovation  
2 to administer the program and adopt rules;  
3 amending s. 402.309, F.S.; authorizing the  
4 issuance of a provisional license or  
5 registration for child care to certain  
6 applicants; prohibiting a provisional license  
7 or registration from being issued under certain  
8 circumstances; authorizing the suspension or  
9 revocation of a provisional license or  
10 registration under certain circumstances;  
11 requiring the department to adopt rules;  
12 creating s. 402.317, F.S.; authorizing the  
13 provision of child care for a period longer  
14 than otherwise authorized if a parent or legal  
15 guardian works a shift of 24 hours or more;  
16 providing an effective date.

17

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

19

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

22 402.281 Gold Seal Quality Care program.--

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

27 (a) The child care provider must not have had any  
28 class I violations, as defined by rule, within the 2 years  
29 preceding its application for designation as a Gold Seal  
30 Quality Care provider. Commission of a class I violation  
31 shall be grounds for termination of the designation as a Gold

1 Seal Quality Care provider until the provider has no class I  
2 violations for a period of 2 years.

3 (b) The child care provider must not have had three or  
4 more class II violations, as defined by rule, within the 2  
5 years preceding its application for designation as a Gold Seal  
6 Quality Care provider. Commission of three or more class II  
7 violations within a 2-year period shall be grounds for  
8 termination of the designation as a Gold Seal Quality Care  
9 provider until the provider has no class II violations for a  
10 period of 1 year.

11 (c) The child care provider must not have been cited  
12 for the same class III violation, as defined by rule, three or  
13 more times within the 2 years preceding its application for  
14 designation as a Gold Seal Quality Care provider. Commission  
15 of the same class III violation three or more times during a  
16 2-year period shall be grounds for termination of the  
17 designation as a Gold Seal Quality Care provider until the  
18 provider has no class III violations for a period of 1 year.

19 (4) The Department of Children and Family Services  
20 shall adopt rules under ss. 120.536(1) and 120.54 which  
21 provide criteria and procedures for reviewing and approving  
22 accrediting associations for participation in the Gold Seal  
23 Quality Care program, conferring and revoking designations of  
24 Gold Seal Quality Care providers, and classifying violations.

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

27 402.302 Definitions.--

28 (13) "Screening" means the act of assessing the  
29 background of child care personnel and volunteers and  
30 includes, but is not limited to, employment history checks,  
31 local criminal records checks through local law enforcement

1 agencies, fingerprinting for all purposes and checks in this  
2 subsection, statewide criminal records checks through the  
3 Department of Law Enforcement, and federal criminal records  
4 checks through the Federal Bureau of Investigation; ~~except~~  
5 ~~that screening for volunteers included under the definition of~~  
6 ~~personnel includes only local criminal records checks through~~  
7 ~~local law enforcement agencies for current residence and~~  
8 ~~residence immediately prior to employment as a volunteer, if~~  
9 ~~different, and statewide criminal records correspondence~~  
10 ~~checks through the Department of Law Enforcement.~~

11 Section 3. Section 402.310, Florida Statutes, is  
12 amended to read:

13 402.310 Disciplinary actions; hearings upon denial,  
14 suspension, or revocation of license or registration;  
15 administrative fines.--

16 (1)(a) The department or local licensing agency may  
17 administer any of the following disciplinary sanctions for a  
18 violation of any provision of ss. 402.301-402.319, or the  
19 rules adopted thereunder: deny, suspend, or revoke a license  
20 ~~or~~

21 1. Impose an administrative fine not to exceed \$100  
22 per violation, per day, ~~for the violation of any provision of~~  
23 ~~ss. 402.301-402.319 or rules adopted thereunder.~~ However, if  
24 ~~where~~ the violation could or does cause death or serious harm,  
25 the department or local licensing agency may impose an  
26 administrative fine, not to exceed \$500 per violation per day  
27 in addition to or in lieu of any other disciplinary action  
28 imposed under this section.

29 2. Deny, suspend, or revoke a license or registration.  
30  
31

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

4 1. The severity of the violation, including the  
5 probability that death or serious harm to the health or safety  
6 of any person will result or has resulted, the severity of the  
7 actual or potential harm, and the extent to which the  
8 provisions of ss. 402.301-402.319 have been violated.

9 2. Actions taken by the licensee or registrant to  
10 correct the violation or to remedy complaints.

11 3. Any previous violations of the licensee or  
12 registrant.

13 (2) When the department has reasonable cause to  
14 believe that grounds exist for the denial, suspension, or  
15 revocation of a license or registration or the imposition of  
16 an administrative fine ~~exist~~, it shall determine the matter in  
17 accordance with procedures prescribed in chapter 120. When the  
18 local licensing agency has reasonable cause to believe that  
19 grounds exist for the denial, suspension, or revocation of a  
20 license or registration or the imposition of an administrative  
21 fine ~~exist~~, it shall notify the applicant, registrant, or  
22 licensee in writing, stating the grounds upon which the  
23 license or registration is being denied, suspended, or revoked  
24 or an administrative fine is being imposed. If the applicant,  
25 registrant, or licensee makes no written request for a hearing  
26 to the local licensing agency within 15 days from receipt of  
27 such notice, the license or registration shall be deemed  
28 denied, suspended, or revoked or an administrative fine shall  
29 be imposed.

30 (3) If a request for a hearing is made to the local  
31 licensing agency, a hearing shall be held within 30 days and

1 shall be conducted by an individual designated by the county  
2 commission.

3 (4) An applicant, registrant, or licensee shall have  
4 the right to appeal a decision of the local licensing agency  
5 to a representative of the department. Any required hearing  
6 shall be held in the county in which the child care facility,  
7 family day care home, or large family child care home is being  
8 operated or is to be established. The hearing shall be  
9 conducted in accordance with the provisions of chapter 120.

10 Section 4. Paragraphs (b), (c), and (d) of subsection  
11 (1) and subsection (13) of section 402.313, Florida Statutes,  
12 are amended to read:

13 402.313 Family day care homes.--

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

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

27 ~~(b)(c)~~ A family day care home not participating in the  
28 subsidized child care program may volunteer to be licensed  
29 under the provisions of this act.

30 ~~(c)(d)~~ The department may provide technical assistance  
31 to counties and family day care home providers to enable

1 | counties and family day care providers to achieve compliance  
2 | with family day care homes standards.

3 |         (13) The department shall, by rule, establish minimum  
4 | standards for family day care homes that are required to be  
5 | licensed by county licensing ordinance or county licensing  
6 | resolution or that voluntarily choose to be licensed. The  
7 | standards should include requirements for staffing, training,  
8 | maintenance of immunization records, minimum health and safety  
9 | standards, reduced standards for the regulation of child care  
10 | during evening hours by municipalities and counties, and  
11 | enforcement of standards.

12 |         Section 5. Subsection (1) of section 402.3131, Florida  
13 | Statutes, is amended to read:

14 |             402.3131 Large family child care homes.--

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

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

29 |         Section 6. Section 402.3017, Florida Statutes, is  
30 | renumbered as section 411.0103, Florida Statutes, and amended  
31 | to read:

1            411.0103 ~~402.3017~~ Teacher Education and Compensation  
2 Helps (TEACH) scholarship program.--

3            (1) The Legislature finds that the level of early  
4 child care teacher education and training is a key predictor  
5 for determining program quality. The Legislature also finds  
6 that low wages for child care workers prevent many from  
7 obtaining increased training and education and contribute to  
8 high turnover rates. The Legislature therefore intends to help  
9 fund a program which links teacher training and education to  
10 compensation and commitment to the field of early childhood  
11 education.

12            (2) The Agency for Workforce Innovation ~~may Department~~  
13 ~~of Children and Family Services is authorized to~~ contract for  
14 the administration of the Teacher Education and Compensation  
15 Helps (TEACH) scholarship program, which provides educational  
16 scholarships to caregivers and administrators of early  
17 childhood programs, family day care homes, and large family  
18 child care homes.

19            (3) The agency ~~department~~ shall adopt rules under ss.  
20 120.536(1) and 120.54 as necessary to administer ~~implement~~  
21 this section.

22            ~~(4) For the 2005 2006 fiscal year only, the Agency for~~  
23 ~~Workforce Innovation shall administer this section. This~~  
24 ~~subsection expires July 1, 2006.~~

25            Section 7. Section 402.309, Florida Statutes, is  
26 amended to read:

27            402.309 Provisional license or registration.--

28            (1) The local licensing agency or the department,  
29 whichever is authorized to license child care facilities in a  
30 county, may issue a provisional license for child care  
31 facilities, family day care homes, or large family child care



1 homes, or a provisional registration for family day care homes  
2 to applicants for an initial ~~a~~ license or registration or to  
3 licensees or registrants seeking a renewal who are unable to  
4 meet ~~conform to~~ all the standards provided for in ss.  
5 402.301-402.319.

6 (2) ~~A~~ No provisional license or registration may not  
7 be issued unless the operator or owner makes adequate  
8 provisions for the health and safety of the child. A  
9 provisional license may be issued for a child care facility if  
10 all of the screening materials have been timely submitted.  
11 ~~however,~~ A provisional license or registration may not be  
12 issued unless the child care facility, family day care home,  
13 or large family child care home is in compliance with the  
14 requirements for screening of child care personnel in ss.  
15 402.305, ~~and~~ 402.3055, 402.313, and 402.3131, respectively.

16 (3) The provisional license or registration may not  
17 ~~shall in no event~~ be issued for a period that exceeds in  
18 ~~excess of~~ 6 months; however, it may be renewed one time for a  
19 period that may not exceed in excess of 6 months under unusual  
20 circumstances beyond the control of the applicant.

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

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

28 Section 8. Section 402.317, Florida Statutes, is  
29 created to read:

30 402.317 Prolonged child care.--Notwithstanding the  
31 time restriction specified in s. 402.302(1), child care may be

1 provided for 24 hours or longer for a child whose parent or  
2 legal guardian works a shift of 24 hours or more. The  
3 requirement that a parent or legal guardian work a shift of 24  
4 hours or more must be certified in writing by the employer,  
5 and the written certification shall be maintained in the  
6 facility by the child care provider and made available to the  
7 licensing agency. The time that a child remains in child care,  
8 however, may not exceed 72 consecutive hours in any 7-day  
9 period. During a declared state of emergency, the child care  
10 licensing agency may temporarily waive the time limitations  
11 provided in this section.

12 Section 9. This act shall take effect July 1, 2006.

13  
14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
15 COMMITTEE SUBSTITUTE FOR  
16 SB 1510

17 Requires rather than authorizes the Department of Children and  
18 Family Services (DCF) to adopt rules relating to the Gold Seal  
Quality Care program;

19 Authorizes the Agency for Workforce Innovation to administer  
20 the Teacher Education and Compensation Helps (TEACH) program;

21 Authorizes DCF to issue provisional registrations for  
22 identified child care facilities and to suspend or revoke  
these registrations under specified circumstances;

23 Requires DCF to adopt rules relating to provisional licenses  
and registrations of child care facilities;

24 Creates s. 402.317, F.S., authorizing the provision of child  
25 care for a period longer than otherwise authorized if a parent  
or legal guardian works a shift of 24 hours or more.