

By Senator Rich

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1                                   A bill to be entitled  
2           An act relating to human services personnel; providing  
3           a short title; amending s. 402.305, F.S.; requiring  
4           the owner or operator of a child care facility to  
5           report background screening results to the Department  
6           of Children and Family Services before employing a  
7           person at the child care facility; prohibiting the  
8           hiring of a person with a disqualifying offense  
9           without being granted an exemption; prohibiting the  
10          department from granting an exemption from  
11          disqualification from employment to work with children  
12          or the developmentally disabled under certain  
13          circumstances; amending s. 402.40, F.S.; providing and  
14          revising definitions; requiring child welfare services  
15          staff to obtain child welfare certification; requiring  
16          the Department of Children and Family Services to  
17          designate a credentialing entity to administer the  
18          certification process; requiring the department to  
19          develop minimum trainer qualifications; amending s.  
20          429.14, F.S., relating to administrative penalties;  
21          prohibiting the Agency for Health Care Administration  
22          from granting an exemption from disqualification from  
23          employment in an assisted living facility under  
24          certain circumstances; amending s. 429.174, F.S.;  
25          requiring the owner or administrator of an assisted  
26          living facility to report background screening results  
27          to the agency before employing a person at the  
28          assisted living facility; prohibiting the hiring of a  
29          person with a disqualifying offense without being

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30 granted an exemption; prohibiting the agency from  
31 granting an exemption from disqualification from  
32 employment under certain circumstances; amending s.  
33 435.05, F.S.; revising employer reporting requirements  
34 relating to background screening for applicants for  
35 employment in a child care facility or an assisted  
36 living facility; requiring the owner or administrator  
37 of a child care facility or an assisted living  
38 facility to report background screening results to the  
39 licensing agency; prohibiting the hiring of a person  
40 with a disqualifying offense without being granted an  
41 exemption; prohibiting the agency from granting an  
42 exemption from disqualification from employment under  
43 certain circumstances; amending s. 435.07, F.S.;  
44 increasing the waiting period for requesting an  
45 exemption from disqualification for certain employees;  
46 authorizing licensing agencies to retain employee  
47 fingerprints under certain circumstances; requiring  
48 licensing agencies to review exemptions from  
49 disqualification periodically; providing conditions  
50 for the revocation of an employee's exemption from  
51 disqualification; authorizing licensing agencies to  
52 adopt rules relating to exemptions from  
53 disqualification; amending ss. 402.30501, 411.01,  
54 1002.55, 1002.57, and 1002.59, F.S.; conforming cross-  
55 references; reenacting s. 402.302(3), F.S., relating  
56 to the definition of "child care personnel";  
57 reenacting s. 402.3055(2)(b), (d), and (g), F.S.,  
58 relating to child care personnel requirements;

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59 reenacting s. 402.3057, F.S., relating to persons not  
60 required to be refingerprinted or rescreened;  
61 reenacting s. 402.308(3)(d) and (4)(d), F.S., relating  
62 to issuance or renewal of a child care facility  
63 license; reenacting s. 402.313(3), F.S., relating to  
64 child care personnel in family day care homes;  
65 reenacting s. 402.3131(2), F.S., relating to child  
66 care personnel in large family child care homes;  
67 reenacting s. 409.1757, F.S., relating to persons not  
68 required to be refingerprinted or rescreened;  
69 providing an effective date.

70

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

72

73 Section 1. This act may be cited as the "Protecting  
74 Florida's Most Vulnerable Citizens Act."

75 Section 2. Subsection (2) of section 402.305, Florida  
76 Statutes, is amended to read:

77 402.305 Licensing standards; child care facilities.—

78 (2) PERSONNEL.—Minimum standards for child care personnel  
79 shall include minimum requirements as to:

80 (a) Good moral character based upon screening.

81 1. This screening shall be conducted as provided in chapter  
82 435, using the level 2 standards for screening set forth in that  
83 chapter. The owner or operator of a child care facility must  
84 report the results of the screening to the department before a  
85 person may be employed at the child care facility. If the  
86 results of the screening show any disqualifying offense as set  
87 forth in chapter 435, the owner or operator of a child care

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88 facility may not hire that person until such time as an  
89 exemption is applied for and granted by the licensing agency.

90 2. ~~(b)~~ The department may grant exemptions from  
91 disqualification from working with children or the  
92 developmentally disabled as provided in s. 435.07; however, the  
93 department may not grant an exemption if the person has a record  
94 of a felony or misdemeanor conviction for an offense of a  
95 violent or sexual nature against a child or a vulnerable adult.

96 (b) ~~(e)~~ Minimum age requirements. Such minimum standards  
97 shall prohibit a person under the age of 21 from being the  
98 operator of a child care facility and a person under the age of  
99 16 from being employed at such facility unless such person is  
100 under direct supervision and is not counted for the purposes of  
101 computing the personnel-to-child ratio.

102 (c) ~~(d)~~ Minimum training requirements for child care  
103 personnel.

104 1. Such minimum standards for training shall ensure that  
105 all child care personnel take an approved 40-clock-hour  
106 introductory course in child care, which course covers at least  
107 the following topic areas:

108 a. State and local rules and regulations which govern child  
109 care.

110 b. Health, safety, and nutrition.

111 c. Identifying and reporting child abuse and neglect.

112 d. Child development, including typical and atypical  
113 language, cognitive, motor, social, and self-help skills  
114 development.

115 e. Observation of developmental behaviors, including using  
116 a checklist or other similar observation tools and techniques to

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117 determine the child's developmental age level.

118 f. Specialized areas, including computer technology for  
119 professional and classroom use and early literacy and language  
120 development of children from birth to 5 years of age, as  
121 determined by the department, for owner-operators and child care  
122 personnel of a child care facility.

123

124 Within 90 days after employment, child care personnel shall  
125 begin training to meet the training requirements. Child care  
126 personnel shall successfully complete such training within 1  
127 year after the date on which the training began, as evidenced by  
128 passage of a competency examination. Successful completion of  
129 the 40-clock-hour introductory course shall articulate into  
130 community college credit in early childhood education, pursuant  
131 to ss. 1007.24 and 1007.25. Exemption from all or a portion of  
132 the required training shall be granted to child care personnel  
133 based upon educational credentials or passage of competency  
134 examinations. Child care personnel possessing a 2-year degree or  
135 higher that includes 6 college credit hours in early childhood  
136 development or child growth and development, or a child  
137 development associate credential or an equivalent state-approved  
138 child development associate credential, or a child development  
139 associate waiver certificate shall be automatically exempted  
140 from the training requirements in sub-subparagraphs b., d., and  
141 e.

142 2. The introductory course in child care shall stress, to  
143 the extent possible, an interdisciplinary approach to the study  
144 of children.

145 3. The introductory course shall cover recognition and

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146 prevention of shaken baby syndrome, prevention of sudden infant  
147 death syndrome, and early childhood brain development within the  
148 topic areas identified in this paragraph.

149 4. On an annual basis in order to further their child care  
150 skills and, if appropriate, administrative skills, child care  
151 personnel who have fulfilled the requirements for the child care  
152 training shall be required to take an additional 1 continuing  
153 education unit of approved inservice training, or 10 clock hours  
154 of equivalent training, as determined by the department.

155 5. Child care personnel shall be required to complete 0.5  
156 continuing education unit of approved training or 5 clock hours  
157 of equivalent training, as determined by the department, in  
158 early literacy and language development of children from birth  
159 to 5 years of age one time. The year that this training is  
160 completed, it shall fulfill the 0.5 continuing education unit or  
161 5 clock hours of the annual training required in subparagraph 4.

162 6. Procedures for ensuring the training of qualified child  
163 care professionals to provide training of child care personnel,  
164 including onsite training, shall be included in the minimum  
165 standards. It is recommended that the state community child care  
166 coordination agencies (central agencies) be contracted by the  
167 department to coordinate such training when possible. Other  
168 district educational resources, such as community colleges and  
169 career programs, can be designated in such areas where central  
170 agencies may not exist or are determined not to have the  
171 capability to meet the coordination requirements set forth by  
172 the department.

173 7. Training requirements shall not apply to certain  
174 occasional or part-time support staff, including, but not

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175 limited to, swimming instructors, piano teachers, dance  
176 instructors, and gymnastics instructors.

177 8. The department shall evaluate or contract for an  
178 evaluation for the general purpose of determining the status of  
179 and means to improve staff training requirements and testing  
180 procedures. The evaluation shall be conducted every 2 years. The  
181 evaluation shall include, but not be limited to, determining the  
182 availability, quality, scope, and sources of current staff  
183 training; determining the need for specialty training; and  
184 determining ways to increase inservice training and ways to  
185 increase the accessibility, quality, and cost-effectiveness of  
186 current and proposed staff training. The evaluation methodology  
187 shall include a reliable and valid survey of child care  
188 personnel.

189 9. The child care operator shall be required to take basic  
190 training in serving children with disabilities within 5 years  
191 after employment, either as a part of the introductory training  
192 or the annual 8 hours of inservice training.

193 (d)~~(e)~~ Periodic health examinations.

194 (e)~~(f)~~ By January 1, 2000, a credential for child care  
195 facility directors. By January 1, 2004, the credential shall be  
196 a required minimum standard for licensing.

197 Section 3. Section 402.40, Florida Statutes, is amended to  
198 read:

199 402.40 Child welfare training and certification.-

200 (1) LEGISLATIVE INTENT.-In order to ~~enable the state to~~  
201 provide a systematic approach to staff development and training  
202 for persons providing child welfare services which meets ~~that~~  
203 ~~will meet~~ the needs of such staff in the ~~their~~ discharge of

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204 their duties, it is the intent of the Legislature that the  
205 Department of Children and Family Services establish, maintain,  
206 and oversee the operation of child welfare training academies in  
207 the state. The Legislature further intends that ~~the~~ staff  
208 development and training programs ~~that are established will~~ aid  
209 in the reduction of poor staff morale and ~~of~~ staff turnover,  
210 ~~will~~ positively impact ~~on~~ the quality of decisions made  
211 regarding children and families who require assistance from  
212 programs providing child welfare services, and ~~will~~ afford a  
213 better quality of care for ~~of~~ children who are ~~must be~~ removed  
214 from their families.

215 (2) DEFINITIONS.—As used in this section, the term:

216 (a) "Child welfare certification" means a professional  
217 credential awarded by the department, or by a credentialing  
218 entity designated by the department, to individuals  
219 demonstrating core competency in any child welfare services  
220 practice area.

221 (b) ~~(a)~~ "Child welfare services" means any intake,  
222 protective investigations, ~~preprotective services,~~ protective  
223 services, foster care, shelter and group care, and adoption and  
224 related services program, including supportive services,  
225 supervision, and legal services, provided to children who are  
226 alleged to have been abused, abandoned, or neglected, or who are  
227 at risk of becoming, are alleged to be, or have been found  
228 dependent pursuant to chapter 39.

229 (c) "Core competency" means having the knowledge, skills,  
230 and abilities necessary to perform child welfare services.

231 (d) ~~(b)~~ "Person providing child welfare services" means a  
232 person who has a responsibility for supervisory, legal, direct



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233 care, or support-related ~~support-related~~ work in the provision  
234 of child welfare services pursuant to chapter 39.

235 (3) CHILD WELFARE TRAINING PROGRAM.—The department shall  
236 establish a child welfare training program ~~for training~~ pursuant  
237 to ~~the provisions of~~ this section, and all persons providing  
238 child welfare services in this state must demonstrate core  
239 competency by earning and maintaining child welfare  
240 certification ~~shall be required to participate in and~~  
241 ~~successfully complete the program of training~~ pertinent to their  
242 areas of responsibility.

243 (4) CHILD WELFARE TRAINING TRUST FUND.—

244 (a) There is created within the State Treasury a Child  
245 Welfare Training Trust Fund to be used by the department ~~of~~  
246 ~~Children and Family Services~~ for the purpose of funding a  
247 comprehensive system of child welfare training, including the  
248 securing of consultants to develop the system and the developing  
249 of child welfare training academies for ~~that include the~~  
250 ~~participation of~~ persons providing child welfare services.

251 (b) One dollar from every noncriminal traffic infraction  
252 collected pursuant to s. 318.14(10) (b) or s. 318.18 shall be  
253 deposited into the Child Welfare Training Trust Fund.

254 (c) In addition to the funds generated by paragraph (b),  
255 the trust fund shall receive funds generated from an additional  
256 fee on birth certificates and dissolution of marriage filings,  
257 as specified in ss. 382.0255 and 28.101, respectively, and may  
258 receive funds from any other public or private source.

259 (d) Funds that are not expended by the end of the budget  
260 cycle or through a supplemental budget approved by the  
261 department shall revert to the trust fund.

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262 (5) CORE COMPETENCIES.—

263 (a) The department ~~of Children and Family Services~~ shall  
264 establish the core competencies for a single integrated  
265 curriculum that ensures that each person delivering child  
266 welfare services obtains the knowledge, skills, and abilities to  
267 competently carry out his or her work responsibilities. The ~~This~~  
268 curriculum may be a compilation of different development efforts  
269 based on specific subsets of core competencies that are  
270 integrated for a comprehensive curriculum required in the  
271 provision of child welfare services in this state.

272 (b) The identification of these core competencies shall be  
273 a collaborative effort by ~~to include~~ professionals who have ~~with~~  
274 expertise in child welfare services and providers that will be  
275 affected by the curriculum, including ~~to include~~, but not ~~be~~  
276 limited to, representatives from the community-based care lead  
277 agencies, sheriffs' offices conducting child protection  
278 investigations, and child welfare legal services providers.

279 (c) Notwithstanding s. 287.057(5) and (22), the department  
280 shall competitively solicit and contract for the development,  
281 validation, and periodic evaluation of the training curricula  
282 for the established single integrated curriculum. No more than  
283 one training curriculum may be developed for each specific  
284 subset of the core competencies.

285 (6) ADVANCED TRAINING.—The department ~~of Children and~~  
286 ~~Family Services~~ shall annually review ~~examine~~ the advanced  
287 training that is needed by persons who deliver child welfare  
288 services in the state. This review must consider ~~examination~~  
289 ~~shall address~~ whether the current advanced training ~~provided~~  
290 should be continued and ~~shall~~ include the development of plans

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291 for incorporating any revisions to the advanced training which  
292 are determined necessary. The review must ~~This examination shall~~  
293 be conducted in collaboration with professionals who have ~~with~~  
294 expertise in child welfare services and providers that will be  
295 affected by the curriculum, including ~~to include~~, but not be  
296 limited to, representatives from the community-based care lead  
297 agencies, sheriffs' offices conducting child protection  
298 investigations, and child welfare legal services providers.

299 (7) CERTIFICATION ~~AND TRAINER QUALIFICATIONS.~~-

300 (a) The department shall designate a credentialing entity  
301 to administer a statewide child welfare certification process  
302 for child welfare services staff.

303 (b) The department shall, in collaboration with the  
304 professionals and providers described in subsection (5) and the  
305 designated credentialing entity, develop minimum standards for a  
306 certification process that ensures that participants have  
307 successfully attained the knowledge, skills, and abilities  
308 necessary to competently carry out their work responsibilities  
309 ~~and shall develop minimum standards for trainer qualifications~~  
310 ~~which must be required of training academies in the offering of~~  
311 ~~the training curricula.~~

312 (c) Any person providing child welfare services must ~~shall~~  
313 ~~be required to~~ master the core competencies ~~components of the~~  
314 ~~curriculum~~ that are particular to that person's work  
315 responsibilities as demonstrated by obtaining child welfare  
316 certification.

317 (8) ESTABLISHMENT OF TRAINING ACADEMIES AND TRAINER  
318 QUALIFICATIONS.-The department shall establish child welfare  
319 training academies and develop minimum trainer qualifications

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320 for trainers at academies offering the curricula described in  
321 subsection (5) as part of a comprehensive system of child  
322 welfare training. In establishing a ~~program of training program~~,  
323 the department may contract for the operation of one or more  
324 training academies to perform one or more of the following: ~~to~~  
325 offer one or more of the training curricula developed under  
326 subsection (5); ~~to administer the certification process; to~~  
327 develop, validate, and periodically evaluate additional training  
328 curricula determined to be necessary, including advanced  
329 training that is specific to a region or contractor, or that  
330 meets a particular training need; or ~~to~~ offer ~~the~~ additional  
331 training curricula. The number, location, and timeframe for the  
332 establishment of training academies shall be approved by the  
333 Secretary of Children and Family Services, who shall ensure that  
334 the goals for the core competencies and the single integrated  
335 curriculum, the child welfare certification process, the trainer  
336 qualifications, and the additional training needs are addressed.  
337 Notwithstanding s. 287.057(5) and (22), the department shall  
338 competitively solicit all training academy contracts.

339 (9) MODIFICATION OF CHILD WELFARE TRAINING.—The core  
340 competencies determined pursuant to subsection (5), the minimum  
341 standards for the child welfare certification process, and the  
342 minimum standards for trainer qualifications established  
343 pursuant to subsection (8) ~~(7)~~, must be submitted to the  
344 appropriate substantive committees of the Senate and the House  
345 of Representatives before competitively soliciting ~~either~~ the  
346 development, validation, or periodic evaluation of the training  
347 curricula or the training academy contracts.

348 (10) ADOPTION OF RULES.—The department ~~of Children and~~

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349 ~~Family Services~~ shall adopt rules necessary to administer ~~carry~~  
350 ~~out the provisions of~~ this section.

351 Section 4. Paragraph (g) of subsection (1) of section  
352 429.14, Florida Statutes, is amended to read:

353 429.14 Administrative penalties.—

354 (1) In addition to the requirements of part II of chapter  
355 408, the agency may deny, revoke, and suspend any license issued  
356 under this part and impose an administrative fine in the manner  
357 provided in chapter 120 against a licensee of an assisted living  
358 facility for a violation of any provision of this part, part II  
359 of chapter 408, or applicable rules, or for any of the following  
360 actions by a licensee of an assisted living facility, for the  
361 actions of any person subject to level 2 background screening  
362 under s. 408.809, or for the actions of any facility employee:

363 (g) A determination that an employee, volunteer,  
364 administrator, or owner, or person who otherwise has access to  
365 the residents of a facility does not meet the criteria specified  
366 in s. 435.03(2), and the owner or administrator has not taken  
367 action to remove the person. Exemptions from disqualification  
368 may be granted as set forth in s. 435.07. However, the agency  
369 may not grant an exemption if the person has a record of a  
370 felony or misdemeanor conviction for an offense of a violent or  
371 sexual nature against a child or a vulnerable adult. If the  
372 results of the screening show any disqualifying offense as set  
373 forth in chapter 435, the facility may not hire that person  
374 until the person has applied for an exemption from  
375 disqualification and has been granted an exemption by the  
376 licensing agency. No administrative action may be taken against  
377 the facility if the person is granted an exemption.

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378 Section 5. Section 429.174, Florida Statutes, is amended to  
379 read:

380 429.174 Background screening; exemptions.—The owner or  
381 administrator of an assisted living facility must conduct level  
382 1 background screening, as set forth in chapter 435, on all  
383 employees hired on or after October 1, 1998, who perform  
384 personal services as defined in s. 429.02(16). The owner or  
385 administrator of an assisted living facility must report the  
386 results of the screening to the licensing agency before a person  
387 may be employed at the assisted living facility. If the results  
388 of the screening show any disqualifying offense as set forth in  
389 chapter 435, the facility may not hire that person until the  
390 person has applied for an exemption from disqualification and  
391 has been granted an exemption by the agency. The agency may  
392 exempt a person ~~an individual~~ from employment disqualification  
393 as set forth in chapter 435; however, the agency may not grant  
394 an exemption if the person has a record of a felony or  
395 misdemeanor conviction for an offense of a violent or sexual  
396 nature against a child or a vulnerable adult. Except as  
397 otherwise provided in this section, a person ~~Such persons~~ shall  
398 be considered as having met the ~~this~~ requirement for an  
399 exemption if:

400 (1) Proof of compliance with level 1 screening requirements  
401 obtained to meet any professional license requirements in this  
402 state is provided and accompanied, under penalty of perjury, by  
403 a copy of the person's current professional license and an  
404 affidavit of current compliance with the background screening  
405 requirements.

406 (2) The person required to be screened has been

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407 continuously employed in the same type of occupation for which  
408 the person is seeking employment without a breach in service  
409 which exceeds 180 days, and proof of compliance with the level 1  
410 screening requirement which is no more than 2 years old is  
411 provided. Proof of compliance shall be provided directly from  
412 one employer or contractor to another, and not from the person  
413 screened. Upon request, a copy of screening results shall be  
414 provided by the employer retaining documentation of the  
415 screening to the person screened.

416 (3) The person required to be screened is employed by a  
417 corporation or business entity or related corporation or  
418 business entity that owns, operates, or manages more than one  
419 facility or agency licensed under this chapter, and for whom a  
420 level 1 screening was conducted by the corporation or business  
421 entity as a condition of initial or continued employment.

422 Section 6. Paragraphs (a) and (c) of subsection (1) and  
423 subsection (3) of section 435.05, Florida Statutes, are amended  
424 to read:

425 435.05 Requirements for covered employees.—Except as  
426 otherwise provided by law, the following requirements shall  
427 apply to covered employees:

428 (1) (a) Every person employed in a position for which  
429 employment screening is required must, within 5 working days  
430 after starting to work, submit to the employer a complete set of  
431 information necessary to conduct a screening under this section.  
432 The owner or administrator of a child care facility or an  
433 assisted living facility must report the results of the  
434 screening to the licensing agency before a person may be  
435 employed at the facility. If the results of the screening show

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436 any disqualifying offense as set forth in this chapter, the  
437 facility may not hire that person until the person has applied  
438 for an exemption from disqualification and has been granted an  
439 exemption by the licensing agency.

440 (c) For level 2 screening, the employer or licensing agency  
441 must submit the information necessary for screening to the  
442 Florida Department of Law Enforcement within 5 working days  
443 after receiving it. The Florida Department of Law Enforcement  
444 will conduct a search of its criminal and juvenile records and  
445 will request that the Federal Bureau of Investigation conduct a  
446 search of its records for each employee for whom the request is  
447 made. The Florida Department of Law Enforcement will respond to  
448 the employer or licensing agency, and the employer or licensing  
449 agency will inform the employee whether screening has revealed  
450 disqualifying information. The owner or administrator of a child  
451 care facility or an assisted living facility must report the  
452 results of the screening to the agency before a person may be  
453 employed at the facility. If the results of the screening show  
454 any disqualifying offense as set forth in this chapter, the  
455 facility may not hire that person until the person has applied  
456 for an exemption from disqualification and has been granted an  
457 exemption by the licensing agency.

458 (3) Each employer required to conduct level 2 background  
459 screening must sign an affidavit annually or at the time of  
460 license renewal, under penalty of perjury, stating that all  
461 covered employees have been screened or are newly hired and are  
462 awaiting the results of the required screening checks, except  
463 that the employer must report the results of the screening to  
464 the licensing agency before a person may be employed at a child



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465 care facility or an assisted living facility. If the results of  
466 the screening show any disqualifying offense as set forth in  
467 this chapter, the facility may not hire that person until the  
468 person has applied for an exemption from disqualification and  
469 has been granted an exemption by the licensing agency.

470 Section 7. Section 435.07, Florida Statutes, is amended to  
471 read:

472 435.07 Exemptions from disqualification.—Unless otherwise  
473 provided by law, the provisions of this section shall apply to  
474 exemptions from disqualification.

475 (1) For any employee otherwise disqualified from  
476 employment, the appropriate licensing agency may grant, deny, or  
477 revoke a general, limited, or conditional ~~to any employee~~  
478 ~~otherwise disqualified from employment~~ an exemption from  
479 disqualification for:

480 (a) Felonies committed more than 5 ~~3~~ years prior to the  
481 date of disqualification for which the employee or applicant was  
482 adjudicated and has completed the terms and conditions of the  
483 sentence imposed;

484 (b) Misdemeanors prohibited under any of the Florida  
485 Statutes cited in this chapter or under similar statutes of  
486 other jurisdictions;

487 (c) Offenses that were felonies when committed but are now  
488 misdemeanors;

489 (d) Findings of delinquency; or

490 (e) Commissions of acts of domestic violence as defined in  
491 s. 741.30.

492  
493 For the purposes of this subsection, the term "felonies" means

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494 both felonies prohibited under any of the Florida Statutes cited  
495 in this chapter or under similar statutes of other  
496 jurisdictions.

497 (2) Persons employed by or who have applied for employment  
498 with treatment providers who treat adolescents 13 years of age  
499 and older who are disqualified from employment solely because of  
500 crimes under s. 817.563, s. 893.13, or s. 893.147 may be  
501 exempted from disqualification from employment pursuant to this  
502 section without the 5-year ~~3-year~~ waiting period.

503 (3) In order for a licensing agency ~~department~~ to grant an  
504 exemption to any employee, the employee must demonstrate by  
505 clear and convincing evidence that the employee should not be  
506 disqualified from employment. Employees seeking an exemption  
507 have the burden of setting forth sufficient evidence of  
508 rehabilitation, including, but not limited to, the circumstances  
509 surrounding the criminal incident for which an exemption is  
510 sought, the time period that has elapsed since the incident, the  
511 nature of the harm caused to the victim, and the history of the  
512 employee since the incident, or any other evidence or  
513 circumstances indicating that the employee will not present a  
514 danger if continued employment is allowed. A licensing agency  
515 may not consider an application for an exemption from  
516 disqualification for a person seeking employment at a child care  
517 facility or an assisted living facility until 5 years after the  
518 completion of the terms and conditions of a sentence imposed,  
519 whether served during actual imprisonment, probation, or parole.  
520 The decision of the licensing agency ~~department~~ regarding an  
521 exemption may be contested through the hearing procedures set  
522 forth in chapter 120.

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523 (4) Disqualification from employment under subsection (1)  
524 may not be removed from, nor may an exemption be granted to, any  
525 personnel who is found guilty of, regardless of adjudication, or  
526 who has entered a plea of nolo contendere or guilty to, any  
527 felony covered by s. 435.03 solely by reason of any pardon,  
528 executive clemency, or restoration of civil rights.

529 (5) Exemptions granted by one licensing agency shall be  
530 considered by subsequent licensing agencies, but are not binding  
531 on the subsequent licensing agency.

532 (6) A licensing agency may adopt rules for the imposition  
533 of conditions upon and the review or revocation of individual  
534 exemptions from disqualification.

535 (7) A licensing agency may retain fingerprints submitted by  
536 criminal and noncriminal justice agencies to the agency for a  
537 criminal history background screening as provided by rule.

538 (8) The licensing agency shall review an exemption from  
539 disqualification granted under this section every 3 years, at a  
540 minimum, after the date upon which the exemption was granted to  
541 ensure that the rehabilitation is still effective and that there  
542 have been no additional disqualifying offenses.

543 (9) The licensing agency shall immediately revoke an  
544 employee's exemption from disqualification upon a determination  
545 that the employee committed an additional disqualifying offense.

546 (10) Any licensing agency that grants an exemption from  
547 disqualification for employment may adopt rules necessary for  
548 the implementation of this section.

549 Section 8. Section 402.30501, Florida Statutes, is amended  
550 to read:

551 402.30501 Modification of introductory child care course

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552 for community college credit authorized.—The Department of  
553 Children and Family Services may modify the 40-clock-hour  
554 introductory course in child care under s. 402.305 or s.  
555 402.3131 to meet the requirements of articulating the course to  
556 community college credit. Any modification must continue to  
557 provide that the course satisfies the requirements of s.  
558 402.305(2) (c) ~~(d)~~.

559 Section 9. Paragraph (d) of subsection (5) of section  
560 411.01, Florida Statutes, is amended to read:

561 411.01 School readiness programs; early learning  
562 coalitions.—

563 (5) CREATION OF EARLY LEARNING COALITIONS.—

564 (d) *Implementation*.—

565 1. An early learning coalition may not implement the school  
566 readiness program until the coalition is authorized through  
567 approval of the coalition's school readiness plan by the Agency  
568 for Workforce Innovation.

569 2. Each early learning coalition shall develop a plan for  
570 implementing the school readiness program to meet the  
571 requirements of this section and the performance standards and  
572 outcome measures adopted by the Agency for Workforce Innovation.  
573 The plan must demonstrate how the program will ensure that each  
574 3-year-old and 4-year-old child in a publicly funded school  
575 readiness program receives scheduled activities and instruction  
576 designed to enhance the age-appropriate progress of the children  
577 in attaining the performance standards adopted by the Agency for  
578 Workforce Innovation under subparagraph (4) (d) 8. Before  
579 implementing the school readiness program, the early learning  
580 coalition must submit the plan to the Agency for Workforce

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581 Innovation for approval. The Agency for Workforce Innovation may  
582 approve the plan, reject the plan, or approve the plan with  
583 conditions. The Agency for Workforce Innovation shall review  
584 school readiness plans at least annually.

585         3. If the Agency for Workforce Innovation determines during  
586 the annual review of school readiness plans, or through  
587 monitoring and performance evaluations conducted under paragraph  
588 (4) (1), that an early learning coalition has not substantially  
589 implemented its plan, has not substantially met the performance  
590 standards and outcome measures adopted by the agency, or has not  
591 effectively administered the school readiness program or  
592 Voluntary Prekindergarten Education Program, the Agency for  
593 Workforce Innovation may dissolve the coalition and temporarily  
594 contract with a qualified entity to continue school readiness  
595 and prekindergarten services in the coalition's county or  
596 multicounty region until the coalition is reestablished through  
597 resubmission of a school readiness plan and approval by the  
598 agency.

599         4. The Agency for Workforce Innovation shall adopt criteria  
600 for the approval of school readiness plans. The criteria must be  
601 consistent with the performance standards and outcome measures  
602 adopted by the agency and must require each approved plan to  
603 include the following minimum standards and provisions:

604             a. A sliding fee scale establishing a copayment for parents  
605 based upon their ability to pay, which is the same for all  
606 program providers, to be implemented and reflected in each  
607 program's budget.

608             b. A choice of settings and locations in licensed,  
609 registered, religious-exempt, or school-based programs to be

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610 provided to parents.

611 c. Instructional staff who have completed the training  
612 course as required in s. 402.305(2) (c) ~~(d)~~1., as well as staff  
613 who have additional training or credentials as required by the  
614 Agency for Workforce Innovation. The plan must provide a method  
615 for assuring the qualifications of all personnel in all program  
616 settings.

617 d. Specific eligibility priorities for children within the  
618 early learning coalition's county or multicounty region in  
619 accordance with subsection (6).

620 e. Performance standards and outcome measures adopted by  
621 the Agency for Workforce Innovation.

622 f. Payment rates adopted by the early learning coalition  
623 and approved by the Agency for Workforce Innovation. Payment  
624 rates may not have the effect of limiting parental choice or  
625 creating standards or levels of services that have not been  
626 authorized by the Legislature.

627 g. Systems support services, including a central agency,  
628 child care resource and referral, eligibility determinations,  
629 training of providers, and parent support and involvement.

630 h. Direct enhancement services to families and children.  
631 System support and direct enhancement services shall be in  
632 addition to payments for the placement of children in school  
633 readiness programs.

634 i. The business organization of the early learning  
635 coalition, which must include the coalition's articles of  
636 incorporation and bylaws if the coalition is organized as a  
637 corporation. If the coalition is not organized as a corporation  
638 or other business entity, the plan must include the contract

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639 with a fiscal agent. An early learning coalition may contract  
640 with other coalitions to achieve efficiency in multicounty  
641 services, and these contracts may be part of the coalition's  
642 school readiness plan.

643 j. Strategies to meet the needs of unique populations, such  
644 as migrant workers.

645

646 As part of the school readiness plan, the early learning  
647 coalition may request the Governor to apply for a waiver to  
648 allow the coalition to administer the Head Start Program to  
649 accomplish the purposes of the school readiness program. If a  
650 school readiness plan demonstrates that specific statutory goals  
651 can be achieved more effectively by using procedures that  
652 require modification of existing rules, policies, or procedures,  
653 a request for a waiver to the Agency for Workforce Innovation  
654 may be submitted as part of the plan. Upon review, the Agency  
655 for Workforce Innovation may grant the proposed modification.

656 5. Persons with an early childhood teaching certificate may  
657 provide support and supervision to other staff in the school  
658 readiness program.

659 6. An early learning coalition may not implement its school  
660 readiness plan until it submits the plan to and receives  
661 approval from the Agency for Workforce Innovation. Once the plan  
662 is approved, the plan and the services provided under the plan  
663 shall be controlled by the early learning coalition. The plan  
664 shall be reviewed and revised as necessary, but at least  
665 biennially. An early learning coalition may not implement the  
666 revisions until the coalition submits the revised plan to and  
667 receives approval from the Agency for Workforce Innovation. If

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668 the Agency for Workforce Innovation rejects a revised plan, the  
669 coalition must continue to operate under its prior approved  
670 plan.

671 7. Sections 125.901(2)(a)3., 411.221, and 411.232 do not  
672 apply to an early learning coalition with an approved school  
673 readiness plan. To facilitate innovative practices and to allow  
674 the regional establishment of school readiness programs, an  
675 early learning coalition may apply to the Governor and Cabinet  
676 for a waiver of, and the Governor and Cabinet may waive, any of  
677 the provisions of ss. 411.223, 411.232, and 1003.54, if the  
678 waiver is necessary for implementation of the coalition's school  
679 readiness plan.

680 8. Two or more counties may join for purposes of planning  
681 and implementing a school readiness program.

682 9. An early learning coalition may, subject to approval by  
683 the Agency for Workforce Innovation as part of the coalition's  
684 school readiness plan, receive subsidized child care funds for  
685 all children eligible for any federal subsidized child care  
686 program.

687 10. An early learning coalition may enter into multiparty  
688 contracts with multicounty service providers in order to meet  
689 the needs of unique populations such as migrant workers.

690 Section 10. Paragraphs (c) and (g) of subsection (3) of  
691 section 1002.55, Florida Statutes, are amended to read:

692 1002.55 School-year prekindergarten program delivered by  
693 private prekindergarten providers.—

694 (3) To be eligible to deliver the prekindergarten program,  
695 a private prekindergarten provider must meet each of the  
696 following requirements:



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697 (c) The private prekindergarten provider must have, for  
698 each prekindergarten class, at least one prekindergarten  
699 instructor who meets each of the following requirements:

700 1. The prekindergarten instructor must hold, at a minimum,  
701 one of the following credentials:

702 a. A child development associate credential issued by the  
703 National Credentialing Program of the Council for Professional  
704 Recognition; or

705 b. A credential approved by the Department of Children and  
706 Family Services as being equivalent to or greater than the  
707 credential described in sub-subparagraph a.

708  
709 The Department of Children and Family Services may adopt rules  
710 under ss. 120.536(1) and 120.54 which provide criteria and  
711 procedures for approving equivalent credentials under sub-  
712 subparagraph b.

713 2. The prekindergarten instructor must successfully  
714 complete an emergent literacy training course approved by the  
715 department as meeting or exceeding the minimum standards adopted  
716 under s. 1002.59. This subparagraph does not apply to a  
717 prekindergarten instructor who successfully completes approved  
718 training in early literacy and language development under s.  
719 402.305(2) (c) ~~(d)~~5., s. 402.313(6), or s. 402.3131(5) before the  
720 establishment of one or more emergent literacy training courses  
721 under s. 1002.59 or April 1, 2005, whichever occurs later.

722 (g) Before the beginning of the 2006-2007 school year, the  
723 private prekindergarten provider must have a prekindergarten  
724 director who has a prekindergarten director credential that is  
725 approved by the department as meeting or exceeding the minimum

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726 standards adopted under s. 1002.57. Successful completion of a  
727 child care facility director credential under s.  
728 402.305(2) (e) ~~(f)~~ before the establishment of the prekindergarten  
729 director credential under s. 1002.57 or July 1, 2006, whichever  
730 occurs later, satisfies the requirement for a prekindergarten  
731 director credential under this paragraph.

732 Section 11. Subsections (3) and (4) of section 1002.57,  
733 Florida Statutes, are amended to read:

734 1002.57 Prekindergarten director credential.—

735 (3) The prekindergarten director credential must meet or  
736 exceed the requirements of the Department of Children and Family  
737 Services for the child care facility director credential under  
738 s. 402.305(2) (e) ~~(f)~~, and successful completion of the  
739 prekindergarten director credential satisfies these requirements  
740 for the child care facility director credential.

741 (4) The department shall, to the maximum extent  
742 practicable, award credit to a person who successfully completes  
743 the child care facility director credential under s.  
744 402.305(2) (e) ~~(f)~~ for those requirements of the prekindergarten  
745 director credential which are duplicative of requirements for  
746 the child care facility director credential.

747 Section 12. Section 1002.59, Florida Statutes, is amended  
748 to read:

749 1002.59 Emergent literacy training courses.—By April 1,  
750 2005, the department shall adopt minimum standards for one or  
751 more training courses in emergent literacy for prekindergarten  
752 instructors. Each course must comprise 5 clock hours and provide  
753 instruction in strategies and techniques to address the age-  
754 appropriate progress of prekindergarten students in developing

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755 emergent literacy skills, including oral communication,  
756 knowledge of print and letters, phonemic and phonological  
757 awareness, and vocabulary and comprehension development. Each  
758 course must also provide resources containing strategies that  
759 allow students with disabilities and other special needs to  
760 derive maximum benefit from the Voluntary Prekindergarten  
761 Education Program. Successful completion of an emergent literacy  
762 training course approved under this section satisfies  
763 requirements for approved training in early literacy and  
764 language development under ss. 402.305(2) (c) ~~(d)~~5., 402.313(6),  
765 and 402.3131(5).

766 Section 13. For the purpose of incorporating the amendment  
767 made by this act to section 402.305, Florida Statutes, in a  
768 reference thereto, subsection (3) of section 402.302, Florida  
769 Statutes, is reenacted to read:

770 402.302 Definitions.—

771 (3) "Child care personnel" means all owners, operators,  
772 employees, and volunteers working in a child care facility. The  
773 term does not include persons who work in a child care facility  
774 after hours when children are not present or parents of children  
775 in Head Start. For purposes of screening, the term includes any  
776 member, over the age of 12 years, of a child care facility  
777 operator's family, or person, over the age of 12 years, residing  
778 with a child care facility operator if the child care facility  
779 is located in or adjacent to the home of the operator or if the  
780 family member of, or person residing with, the child care  
781 facility operator has any direct contact with the children in  
782 the facility during its hours of operation. Members of the  
783 operator's family or persons residing with the operator who are

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784 between the ages of 12 years and 18 years shall not be required  
785 to be fingerprinted but shall be screened for delinquency  
786 records. For purposes of screening, the term shall also include  
787 persons who work in child care programs which provide care for  
788 children 15 hours or more each week in public or nonpublic  
789 schools, summer day camps, family day care homes, or those  
790 programs otherwise exempted under s. 402.316. The term does not  
791 include public or nonpublic school personnel who are providing  
792 care during regular school hours, or after hours for activities  
793 related to a school's program for grades kindergarten through  
794 12. A volunteer who assists on an intermittent basis for less  
795 than 40 hours per month is not included in the term "personnel"  
796 for the purposes of screening and training, provided that the  
797 volunteer is under direct and constant supervision by persons  
798 who meet the personnel requirements of s. 402.305(2). Students  
799 who observe and participate in a child care facility as a part  
800 of their required coursework shall not be considered child care  
801 personnel, provided such observation and participation are on an  
802 intermittent basis and the students are under direct and  
803 constant supervision of child care personnel.

804 Section 14. For the purpose of incorporating the amendment  
805 made by this act to section 402.305, Florida Statutes, in  
806 references thereto, paragraphs (b), (d), and (g) of subsection  
807 (2) of section 402.3055, Florida Statutes, are reenacted to  
808 read:

809 402.3055 Child care personnel requirements.—

810 (2) EXCLUSION FROM OWNING, OPERATING, OR BEING EMPLOYED BY  
811 A CHILD CARE FACILITY OR OTHER CHILD CARE PROGRAM; HEARINGS  
812 PROVIDED.—

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813 (b) When the department or the local licensing agency has  
814 reasonable cause to believe that grounds for denial or  
815 termination of employment exist, it shall notify, in writing,  
816 the applicant, licensee, or other child care program and the  
817 child care personnel affected, stating the specific record which  
818 indicates noncompliance with the standards in s. 402.305(2).

819 (d) When a local licensing agency is the agency initiating  
820 the statement regarding noncompliance of an employee with the  
821 standards contained in s. 402.305(2), the employee, applicant,  
822 licensee, or other child care program has 15 days from the time  
823 of written notification of the agency's finding to make a  
824 written request for a hearing. If a request for a hearing is not  
825 received in that time, the permanent employee, applicant,  
826 licensee, or other child care program is presumed to accept the  
827 finding.

828 (g) Refusal on the part of an applicant or licensee to  
829 dismiss child care personnel who have been found to be in  
830 noncompliance with personnel standards of s. 402.305(2) shall  
831 result in automatic denial or revocation of the license in  
832 addition to any other remedies pursued by the department or  
833 local licensing agency.

834 Section 15. For the purpose of incorporating the amendment  
835 made by this act to section 402.305, Florida Statutes, in a  
836 reference thereto, section 402.3057, Florida Statutes, is  
837 reenacted to read:

838 402.3057 Persons not required to be refingerprinted or  
839 rescreened.—Any provision of law to the contrary  
840 notwithstanding, human resource personnel who have been  
841 fingerprinted or screened pursuant to chapters 393, 394, 397,

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842 402, and 409, and teachers and noninstructional personnel who  
843 have been fingerprinted pursuant to chapter 1012, who have not  
844 been unemployed for more than 90 days thereafter, and who under  
845 the penalty of perjury attest to the completion of such  
846 fingerprinting or screening and to compliance with the  
847 provisions of this section and the standards for good moral  
848 character as contained in such provisions as ss. 110.1127(3),  
849 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(6),  
850 shall not be required to be refingerprinted or rescreened in  
851 order to comply with any caretaker screening or fingerprinting  
852 requirements.

853 Section 16. For the purpose of incorporating the amendment  
854 made by this act to section 402.305, Florida Statutes, in  
855 references thereto, paragraph (d) of subsection (3) and  
856 paragraph (d) of subsection (4) of section 402.308, Florida  
857 Statutes, are reenacted to read:

858 402.308 Issuance of license.—

859 (3) STATE ADMINISTRATION OF LICENSING.—In any county in  
860 which the department has the authority to issue licenses, the  
861 following procedures shall be applied:

862 (d) The department shall issue or renew a license upon  
863 receipt of the license fee and upon being satisfied that all  
864 standards required by ss. 402.301-402.319 have been met. A  
865 license may be issued if all the screening materials have been  
866 timely submitted; however, a license may not be issued or  
867 renewed if any of the child care personnel at the applicant  
868 facility have failed the screening required by ss. 402.305(2)  
869 and 402.3055.

870 (4) LOCAL ADMINISTRATION OF LICENSING.—In any county in

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871 which there is a local licensing agency approved by the  
872 department, the following procedures shall apply:

873 (d) The local licensing agency shall issue a license or  
874 renew a license upon being satisfied that all standards required  
875 by ss. 402.301-402.319 have been met. A license may be issued or  
876 renewed if all the screening materials have been timely  
877 submitted; however, the local licensing agency shall not issue  
878 or renew a license if any of the child care personnel at the  
879 applicant facility have failed the screening required by ss.  
880 402.305(2) and 402.3055.

881 Section 17. For the purpose of incorporating the amendment  
882 made by this act to section 402.305, Florida Statutes, in a  
883 reference thereto, subsection (3) of section 402.313, Florida  
884 Statutes, is reenacted to read:

885 402.313 Family day care homes.—

886 (3) Child care personnel in family day care homes shall be  
887 subject to the applicable screening provisions contained in ss.  
888 402.305(2) and 402.3055. For purposes of screening in family day  
889 care homes, the term includes any member over the age of 12  
890 years of a family day care home operator's family, or persons  
891 over the age of 12 years residing with the operator in the  
892 family day care home. Members of the operator's family, or  
893 persons residing with the operator, who are between the ages of  
894 12 years and 18 years shall not be required to be fingerprinted,  
895 but shall be screened for delinquency records.

896 Section 18. For the purpose of incorporating the amendment  
897 made by this act to section 402.305, Florida Statutes, in a  
898 reference thereto, subsection (2) of section 402.3131, Florida  
899 Statutes, is reenacted to read:

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900 402.3131 Large family child care homes.—

901 (2) Child care personnel in large family child care homes  
902 shall be subject to the applicable screening provisions  
903 contained in ss. 402.305(2) and 402.3055. For purposes of  
904 screening child care personnel in large family child care homes,  
905 the term "child care personnel" includes any member of a large  
906 family child care home operator's family 12 years of age or  
907 older, or any person 12 years of age or older residing with the  
908 operator in the large family child care home. Members of the  
909 operator's family, or persons residing with the operator, who  
910 are between the ages of 12 years and 18 years, inclusive, shall  
911 not be required to be fingerprinted, but shall be screened for  
912 delinquency records.

913 Section 19. For the purpose of incorporating the amendment  
914 made by this act to section 402.305, Florida Statutes, in a  
915 reference thereto, section 409.1757, Florida Statutes, is  
916 reenacted to read:

917 409.1757 Persons not required to be refingerprinted or  
918 rescreened.—Any provision of law to the contrary  
919 notwithstanding, human resource personnel who have been  
920 fingerprinted or screened pursuant to chapters 393, 394, 397,  
921 402, and this chapter, and teachers who have been fingerprinted  
922 pursuant to chapter 1012, who have not been unemployed for more  
923 than 90 days thereafter, and who under the penalty of perjury  
924 attest to the completion of such fingerprinting or screening and  
925 to compliance with the provisions of this section and the  
926 standards for good moral character as contained in such  
927 provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451,  
928 402.305(2), and 409.175(6), shall not be required to be



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929 refingerprinted or rescreened in order to comply with any  
930 caretaker screening or fingerprinting requirements.

931 Section 20. This act shall take effect July 1, 2010.