

1 A bill to be entitled
 2 An act relating to child care facilities; amending s.
 3 402.302, F.S.; revising and providing definitions;
 4 providing for certain household children to be included in
 5 calculations regarding the capacity of licensed family day
 6 care homes and large family child care homes; providing
 7 conditions for supervision of household children of
 8 operators of family day care homes and large family child
 9 care homes; amending s. 402.318, F.S.; revising
 10 advertising requirements applicable to child care
 11 facilities; providing penalties; amending s. 411.01, F.S.;
 12 conforming a cross-reference; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 402.302, Florida Statutes, is amended
 17 to read:

18 402.302 Definitions.—As used in this chapter, the term:

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

25 (2) "Child care facility" includes any child care center
 26 or child care arrangement which provides child care for more
 27 than five children unrelated to the operator and which receives
 28 a payment, fee, or grant for any of the children receiving care,

29 | wherever operated, and whether or not operated for profit. The
30 | following are not included:

- 31 | (a) Public schools and nonpublic schools and their
32 | integral programs, except as provided in s. 402.3025;
- 33 | (b) Summer camps having children in full-time residence;
- 34 | (c) Summer day camps;
- 35 | (d) Bible schools normally conducted during vacation
36 | periods; and
- 37 | (e) Operators of transient establishments, as defined in
38 | chapter 509, which provide child care services solely for the
39 | guests of their establishment or resort, provided that all child
40 | care personnel of the establishment are screened according to
41 | the level 2 screening requirements of chapter 435.
- 42 | (3) "Child care personnel" means all owners, operators,
43 | employees, and volunteers working in a child care facility. The
44 | term does not include persons who work in a child care facility
45 | after hours when children are not present or parents of children
46 | in a child care facility. For purposes of screening, the term
47 | includes any member, over the age of 12 years, of a child care
48 | facility operator's family, or person, over the age of 12 years,
49 | residing with a child care facility operator if the child care
50 | facility is located in or adjacent to the home of the operator
51 | or if the family member of, or person residing with, the child
52 | care facility operator has any direct contact with the children
53 | in the facility during its hours of operation. Members of the
54 | operator's family or persons residing with the operator who are
55 | between the ages of 12 years and 18 years are not required to be
56 | fingerprinted but must be screened for delinquency records. For

57 | purposes of screening, the term also includes persons who work
58 | in child care programs that provide care for children 15 hours
59 | or more each week in public or nonpublic schools, family day
60 | care homes, or programs otherwise exempted under s. 402.316. The
61 | term does not include public or nonpublic school personnel who
62 | are providing care during regular school hours, or after hours
63 | for activities related to a school's program for grades
64 | kindergarten through 12. A volunteer who assists on an
65 | intermittent basis for less than 10 hours per month is not
66 | included in the term "personnel" for the purposes of screening
67 | and training if a person who meets the screening requirement of
68 | s. 402.305(2) is always present and has the volunteer in his or
69 | her line of sight. Students who observe and participate in a
70 | child care facility as a part of their required coursework are
71 | not considered child care personnel, provided such observation
72 | and participation are on an intermittent basis and a person who
73 | meets the screening requirement of s. 402.305(2) is always
74 | present and has the student in his or her line of sight.

75 | (4) "Child welfare provider" means a licensed child-caring
76 | or child-placing agency.

77 | (5) "Department" means the Department of Children and
78 | Family Services.

79 | (6) "Drop-in child care" means child care provided
80 | occasionally in a child care facility in a shopping mall or
81 | business establishment where a child is in care for no more than
82 | a 4-hour period and the parent remains on the premises of the
83 | shopping mall or business establishment at all times. Drop-in
84 | child care arrangements shall meet all requirements for a child

85 care facility unless specifically exempted.

86 (7) "Evening child care" means child care provided during
 87 the evening hours and may encompass the hours of 6:00 p.m. to
 88 7:00 a.m. to accommodate parents who work evenings and late-
 89 night shifts.

90 (8) "Family day care home" means an occupied residence in
 91 which child care is regularly provided for children from at
 92 least two unrelated families and which receives a payment, fee,
 93 or grant for any of the children receiving care, whether or not
 94 operated for profit. Household children under 13 years of age,
 95 when on the premises of the family day care home or on a field
 96 trip with children enrolled in child care, shall be included in
 97 the overall capacity of the licensed home. A family day care
 98 home shall be allowed to provide care for one of the following
 99 groups of children, which shall include household ~~those~~ children
 100 under 13 years of age ~~who are related to the caregiver:~~

101 (a) A maximum of four children from birth to 12 months of
 102 age.

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

105 (c) A maximum of six preschool children if all are older
 106 than 12 months of age.

107 (d) A maximum of 10 children if no more than 5 are
 108 preschool age and, of those 5, no more than 2 are under 12
 109 months of age.

110 (9) "Household children" means children who are related by
 111 blood, marriage, or legal adoption to, or who are the legal
 112 wards of, the family day care home operator, the large family

113 child care home operator, or an adult household member who
 114 permanently or temporarily resides in the home. Supervision of
 115 the operator's household children shall be left to the
 116 discretion of the operator unless those children receive
 117 subsidized child care through the School Readiness Program
 118 pursuant to s. 411.0101 to be in the home.

119 (10) "Indoor recreational facility" means an indoor
 120 commercial facility which is established for the primary purpose
 121 of entertaining children in a planned fitness environment
 122 through equipment, games, and activities in conjunction with
 123 food service and which provides child care for a particular
 124 child no more than 4 hours on any one day. An indoor
 125 recreational facility must be licensed as a child care facility
 126 under s. 402.305, but is exempt from the minimum outdoor-square-
 127 footage-per-child requirement specified in that section, if the
 128 indoor recreational facility has, at a minimum, 3,000 square
 129 feet of usable indoor floor space.

130 (11) ~~(9)~~ "Large family child care home" means an occupied
 131 residence in which child care is regularly provided for children
 132 from at least two unrelated families, which receives a payment,
 133 fee, or grant for any of the children receiving care, whether or
 134 not operated for profit, and which has at least two full-time
 135 child care personnel on the premises during the hours of
 136 operation. One of the two full-time child care personnel must be
 137 the owner or occupant of the residence. A large family child
 138 care home must first have operated as a licensed family day care
 139 home for 2 years, with an operator who has had a child
 140 development associate credential or its equivalent for 1 year,

141 before seeking licensure as a large family child care home.
 142 Household children under 13 years of age, when on the premises
 143 of the large family child care home or on a field trip with
 144 children enrolled in child care, shall be included in the
 145 overall capacity of the licensed home. A large family child care
 146 home shall be allowed to provide care for one of the following
 147 groups of children, which shall include household ~~those~~ children
 148 under 13 years of age ~~who are related to the caregiver:~~

149 (a) A maximum of 8 children from birth to 24 months of
 150 age.

151 (b) A maximum of 12 children, with no more than 4 children
 152 under 24 months of age.

153 (12)~~(11)~~ "Local licensing agency" means any agency or
 154 individual designated by the county to license child care
 155 facilities.

156 (13)~~(12)~~ "Operator" means any onsite person ultimately
 157 responsible for the overall operation of a child care facility,
 158 whether or not he or she is the owner or administrator of such
 159 facility.

160 (14)~~(13)~~ "Owner" means the person who is licensed to
 161 operate the child care facility.

162 (15)~~(14)~~ "Screening" means the act of assessing the
 163 background of child care personnel and volunteers and includes,
 164 but is not limited to, employment history checks, local criminal
 165 records checks through local law enforcement agencies,
 166 fingerprinting for all purposes and checks in this subsection,
 167 statewide criminal records checks through the Department of Law
 168 Enforcement, and federal criminal records checks through the

169 Federal Bureau of Investigation.

170 ~~(16)-(15)~~ "Secretary" means the Secretary of Children and
 171 Family Services.

172 ~~(17)-(16)~~ "Substantial compliance" means that level of
 173 adherence which is sufficient to safeguard the health, safety,
 174 and well-being of all children under care. Substantial
 175 compliance is greater than minimal adherence but not to the
 176 level of absolute adherence. Where a violation or variation is
 177 identified as the type which impacts, or can be reasonably
 178 expected within 90 days to impact, the health, safety, or well-
 179 being of a child, there is no substantial compliance.

180 ~~(18)-(17)~~ "Weekend child care" means child care provided
 181 between the hours of 6 p.m. on Friday and 6 a.m. on Monday.

182 Section 2. Section 402.318, Florida Statutes, is amended
 183 to read:

184 402.318 Advertisement.—A ~~No~~ person, as defined in s.
 185 1.01(3), may not shall advertise a child care facility, family
 186 day care home, or large family child care home without including
 187 within such advertisement the state or local agency license
 188 number or registration number of such facility or home.

189 Violation of this section is a misdemeanor of the first degree,
 190 punishable as provided in s. 775.082 or s. 775.083.

191 Section 3. Paragraph (c) of subsection (5) of section
 192 411.01, Florida Statutes, is amended to read:

193 411.01 School readiness programs; early learning
 194 coalitions.—

195 (5) CREATION OF EARLY LEARNING COALITIONS.—

196 (c) Program expectations.—

197 | 1. The school readiness program must meet the following
198 | expectations:

199 | a. The program must, at a minimum, enhance the age-
200 | appropriate progress of each child in attaining the performance
201 | standards and outcome measures adopted by the Agency for
202 | Workforce Innovation.

203 | b. The program must provide extended-day and extended-year
204 | services to the maximum extent possible without compromising the
205 | quality of the program to meet the needs of parents who work.

206 | c. The program must provide a coordinated professional
207 | development system that supports the achievement and maintenance
208 | of core competencies by school readiness instructors in helping
209 | children attain the performance standards and outcome measures
210 | adopted by the Agency for Workforce Innovation.

211 | d. There must be expanded access to community services and
212 | resources for families to help achieve economic self-
213 | sufficiency.

214 | e. There must be a single point of entry and unified
215 | waiting list. As used in this sub-subparagraph, the term "single
216 | point of entry" means an integrated information system that
217 | allows a parent to enroll his or her child in the school
218 | readiness program at various locations throughout a county, that
219 | may allow a parent to enroll his or her child by telephone or
220 | through an Internet website, and that uses a unified waiting
221 | list to track eligible children waiting for enrollment in the
222 | school readiness program. The Agency for Workforce Innovation
223 | shall establish through technology a single statewide
224 | information system that each coalition must use for the purposes

225 of managing the single point of entry, tracking children's
226 progress, coordinating services among stakeholders, determining
227 eligibility, tracking child attendance, and streamlining
228 administrative processes for providers and early learning
229 coalitions.

230 f. The Agency for Workforce Innovation must consider the
231 access of eligible children to the school readiness program, as
232 demonstrated in part by waiting lists, before approving a
233 proposed increase in payment rates submitted by an early
234 learning coalition. In addition, early learning coalitions shall
235 use school readiness funds made available due to enrollment
236 shifts from school readiness programs to the Voluntary
237 Prekindergarten Education Program for increasing the number of
238 children served in school readiness programs before increasing
239 payment rates.

240 g. The program must meet all state licensing guidelines,
241 where applicable.

242 h. The program must ensure that minimum standards for
243 child discipline practices are age-appropriate. Such standards
244 must provide that children not be subjected to discipline that
245 is severe, humiliating, or frightening or discipline that is
246 associated with food, rest, or toileting. Spanking or any other
247 form of physical punishment is prohibited.

248 2. Each early learning coalition must implement a
249 comprehensive program of school readiness services in accordance
250 with the rules adopted by the agency which enhance the
251 cognitive, social, and physical development of children to
252 achieve the performance standards and outcome measures. At a

253 | minimum, these programs must contain the following system
 254 | support service elements:

- 255 | a. Developmentally appropriate curriculum designed to
 256 | enhance the age-appropriate progress of children in attaining
 257 | the performance standards adopted by the Agency for Workforce
 258 | Innovation under subparagraph (4)(d)8.
- 259 | b. A character development program to develop basic
 260 | values.
- 261 | c. An age-appropriate screening of each child's
 262 | development.
- 263 | d. An age-appropriate assessment administered to children
 264 | when they enter a program and an age-appropriate assessment
 265 | administered to children when they leave the program.
- 266 | e. An appropriate staff-to-children ratio, pursuant to s.
 267 | 402.305(4) or s. 402.302(8) or (11)~~(7) or (8)~~, as applicable,
 268 | and as verified pursuant to s. 402.311.
- 269 | f. A healthy and safe environment pursuant to s.
 270 | 401.305(5), (6), and (7), as applicable, and as verified
 271 | pursuant to s. 402.311.
- 272 | g. A resource and referral network established under s.
 273 | 411.0101 to assist parents in making an informed choice and a
 274 | regional Warm-Line under s. 411.01015.

275 |
 276 | The Agency for Workforce Innovation, the Department of
 277 | Education, and early learning coalitions shall coordinate with
 278 | the Child Care Services Program Office of the Department of
 279 | Children and Family Services to minimize duplicating interagency
 280 | activities pertaining to acquiring and composing data for child

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281 | care training and credentialing.

282 | Section 4. This act shall take effect July 1, 2011.