



790250

LEGISLATIVE ACTION

Senate

House

.
. .
. .
. .
. .
. .

Floor: 1/AD/2R

05/03/2011 03:40 PM

Senator Latvala moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (c) of subsection (4) of section
402.281, Florida Statutes, is amended to read:

402.281 Gold Seal Quality Care program.—

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

(c) The child care provider must not have been cited for
the same class III violation, as defined by rule, three or more



790250

14 times and failed to correct the violation within 1 year after
15 the date of each citation, within the 2 years preceding its
16 application for designation as a Gold Seal Quality Care
17 provider. Commission of the same class III violation three or
18 more times and failure to correct within the required time
19 during a 2-year period may ~~shall~~ be grounds for termination of
20 the designation as a Gold Seal Quality Care provider until the
21 provider has no class III violations for a period of 1 year.

22 Section 2. Section 402.302, Florida Statutes, is amended to
23 read:

24 402.302 Definitions.—As used in this chapter, the term:

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

31 (2) "Child care facility" includes any child care center or
32 child care arrangement which provides child care for more than
33 five children unrelated to the operator and which receives a
34 payment, fee, or grant for any of the children receiving care,
35 wherever operated, and whether or not operated for profit. The
36 following are not included:

37 (a) Public schools and nonpublic schools and their integral
38 programs, except as provided in s. 402.3025;

39 (b) Summer camps having children in full-time residence;

40 (c) Summer day camps;

41 (d) Bible schools normally conducted during vacation
42 periods; and



790250

43 (e) Operators of transient establishments, as defined in
44 chapter 509, which provide child care services solely for the
45 guests of their establishment or resort, provided that all child
46 care personnel of the establishment are screened according to
47 the level 2 screening requirements of chapter 435.

48 (3) "Child care personnel" means all owners, operators,
49 employees, and volunteers working in a child care facility. The
50 term does not include persons who work in a child care facility
51 after hours when children are not present or parents of children
52 in a child care facility. For purposes of screening, the term
53 includes any member, over the age of 12 years, of a child care
54 facility operator's family, or person, over the age of 12 years,
55 residing with a child care facility operator if the child care
56 facility is located in or adjacent to the home of the operator
57 or if the family member of, or person residing with, the child
58 care facility operator has any direct contact with the children
59 in the facility during its hours of operation. Members of the
60 operator's family or persons residing with the operator who are
61 between the ages of 12 years and 18 years are not required to be
62 fingerprinted but must be screened for delinquency records. For
63 purposes of screening, the term also includes persons who work
64 in child care programs that provide care for children 15 hours
65 or more each week in public or nonpublic schools, family day
66 care homes, or programs otherwise exempted under s. 402.316. The
67 term does not include public or nonpublic school personnel who
68 are providing care during regular school hours, or after hours
69 for activities related to a school's program for grades
70 kindergarten through 12. A volunteer who assists on an
71 intermittent basis for less than 10 hours per month is not



790250

72 included in the term "personnel" for the purposes of screening
73 and training if a person who meets the screening requirement of
74 s. 402.305(2) is always present and has the volunteer in his or
75 her line of sight. Students who observe and participate in a
76 child care facility as a part of their required coursework are
77 not considered child care personnel, provided such observation
78 and participation are on an intermittent basis and a person who
79 meets the screening requirement of s. 402.305(2) is always
80 present and has the student in his or her line of sight.

81 (4) "Child welfare provider" means a licensed child-caring
82 or child-placing agency.

83 (5) "Department" means the Department of Children and
84 Family Services.

85 (6) "Drop-in child care" means child care provided
86 occasionally in a child care facility in a shopping mall or
87 business establishment where a child is in care for no more than
88 a 4-hour period and the parent remains on the premises of the
89 shopping mall or business establishment at all times. Drop-in
90 child care arrangements shall meet all requirements for a child
91 care facility unless specifically exempted.

92 (7) "Evening child care" means child care provided during
93 the evening hours and may encompass the hours of 6:00 p.m. to
94 7:00 a.m. to accommodate parents who work evenings and late-
95 night shifts.

96 (8) "Family day care home" means an occupied residence in
97 which child care is regularly provided for children from at
98 least two unrelated families and which receives a payment, fee,
99 or grant for any of the children receiving care, whether or not
100 operated for profit. Household children under 13 years of age,



790250

101 when on the premises of the family day care home or on a field
102 trip with children enrolled in child care, shall be included in
103 the overall capacity of the licensed home. A family day care
104 home shall be allowed to provide care for one of the following
105 groups of children, which shall include household ~~those~~ children
106 under 13 years of age ~~who are related to the caregiver:~~

107 (a) A maximum of four children from birth to 12 months of
108 age.

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

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

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

116 (9) "Household children" means children who are related by
117 blood, marriage, or legal adoption to, or who are the legal
118 wards of, the family day care home operator, the large family
119 child care home operator, or an adult household member who
120 permanently or temporarily resides in the home. Supervision of
121 the operator's household children shall be left to the
122 discretion of the operator unless those children receive
123 subsidized child care through the School Readiness Program
124 pursuant to s. 411.0101 to be in the home.

125 (10) "Indoor recreational facility" means an indoor
126 commercial facility which is established for the primary purpose
127 of entertaining children in a planned fitness environment
128 through equipment, games, and activities in conjunction with
129 food service and which provides child care for a particular



790250

130 child no more than 4 hours on any one day. An indoor
131 recreational facility must be licensed as a child care facility
132 under s. 402.305, but is exempt from the minimum outdoor-square-
133 footage-per-child requirement specified in that section, if the
134 indoor recreational facility has, at a minimum, 3,000 square
135 feet of usable indoor floor space.

136 (11)~~(9)~~ "Large family child care home" means an occupied
137 residence in which child care is regularly provided for children
138 from at least two unrelated families, which receives a payment,
139 fee, or grant for any of the children receiving care, whether or
140 not operated for profit, and which has at least two full-time
141 child care personnel on the premises during the hours of
142 operation. One of the two full-time child care personnel must be
143 the owner or occupant of the residence. A large family child
144 care home must first have operated as a licensed family day care
145 home for 2 years, with an operator who has had a child
146 development associate credential or its equivalent for 1 year,
147 before seeking licensure as a large family child care home.
148 Household children under 13 years of age, when on the premises
149 of the large family child care home or on a field trip with
150 children enrolled in child care, shall be included in the
151 overall capacity of the licensed home. A large family child care
152 home shall be allowed to provide care for one of the following
153 groups of children, which shall include household ~~those~~ children
154 under 13 years of age ~~who are related to the caregiver:~~

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

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

158 (12)~~(11)~~ "Local licensing agency" means any agency or



790250

159 individual designated by the county to license child care
160 facilities.

161 (13)~~(12)~~ "Operator" means any onsite person ultimately
162 responsible for the overall operation of a child care facility,
163 whether or not he or she is the owner or administrator of such
164 facility.

165 (14)~~(13)~~ "Owner" means the person who is licensed to
166 operate the child care facility.

167 (15)~~(14)~~ "Screening" means the act of assessing the
168 background of child care personnel and volunteers and includes,
169 but is not limited to, employment history checks, local criminal
170 records checks through local law enforcement agencies,
171 fingerprinting for all purposes and checks in this subsection,
172 statewide criminal records checks through the Department of Law
173 Enforcement, and federal criminal records checks through the
174 Federal Bureau of Investigation.

175 (16)~~(15)~~ "Secretary" means the Secretary of Children and
176 Family Services.

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

185 (18)~~(17)~~ "Weekend child care" means child care provided
186 between the hours of 6 p.m. on Friday and 6 a.m. on Monday.

187 Section 3. Section 402.318, Florida Statutes, is amended to



790250

188 read:

189 402.318 Advertisement.—A No person, as defined in s.
190 1.01(3), may not shall advertise a child care facility, family
191 day care home, or large family child care home without including
192 within such advertisement the state or local agency license
193 number or registration number of such facility or home.
194 Violation of this section is a misdemeanor of the first degree,
195 punishable as provided in s. 775.082 or s. 775.083.

196 Section 4. Paragraph (c) of subsection (5) of section
197 411.01, Florida Statutes, is amended to read:

198 411.01 School readiness programs; early learning
199 coalitions.—

200 (5) CREATION OF EARLY LEARNING COALITIONS.—

201 (c) *Program expectations*.—

202 1. The school readiness program must meet the following
203 expectations:

204 a. The program must, at a minimum, enhance the age-
205 appropriate progress of each child in attaining the performance
206 standards and outcome measures adopted by the Agency for
207 Workforce Innovation.

208 b. The program must provide extended-day and extended-year
209 services to the maximum extent possible without compromising the
210 quality of the program to meet the needs of parents who work.

211 c. The program must provide a coordinated professional
212 development system that supports the achievement and maintenance
213 of core competencies by school readiness instructors in helping
214 children attain the performance standards and outcome measures
215 adopted by the Agency for Workforce Innovation.

216 d. There must be expanded access to community services and



790250

217 resources for families to help achieve economic self-
218 sufficiency.

219 e. There must be a single point of entry and unified
220 waiting list. As used in this sub-subparagraph, the term "single
221 point of entry" means an integrated information system that
222 allows a parent to enroll his or her child in the school
223 readiness program at various locations throughout a county, that
224 may allow a parent to enroll his or her child by telephone or
225 through an Internet website, and that uses a unified waiting
226 list to track eligible children waiting for enrollment in the
227 school readiness program. The Agency for Workforce Innovation
228 shall establish through technology a single statewide
229 information system that each coalition must use for the purposes
230 of managing the single point of entry, tracking children's
231 progress, coordinating services among stakeholders, determining
232 eligibility, tracking child attendance, and streamlining
233 administrative processes for providers and early learning
234 coalitions.

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

245 g. The program must meet all state licensing guidelines,



790250

246 where applicable.

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

253 2. Each early learning coalition must implement a
254 comprehensive program of school readiness services in accordance
255 with the rules adopted by the agency which enhance the
256 cognitive, social, and physical development of children to
257 achieve the performance standards and outcome measures. At a
258 minimum, these programs must contain the following system
259 support service elements:

260 a. Developmentally appropriate curriculum designed to
261 enhance the age-appropriate progress of children in attaining
262 the performance standards adopted by the Agency for Workforce
263 Innovation under subparagraph (4)(d)8.

264 b. A character development program to develop basic values.

265 c. An age-appropriate screening of each child's
266 development.

267 d. An age-appropriate assessment administered to children
268 when they enter a program and an age-appropriate assessment
269 administered to children when they leave the program.

270 e. An appropriate staff-to-children ratio, pursuant to s.
271 402.305(4) or s. 402.302(8) or (11) ~~(7) or (8)~~, as applicable,
272 and as verified pursuant to s. 402.311.

273 f. A healthy and safe environment pursuant to s.
274 401.305(5), (6), and (7), as applicable, and as verified



790250

275 pursuant to s. 402.311.

276 g. A resource and referral network established under s.
277 411.0101 to assist parents in making an informed choice and a
278 regional Warm-Line under s. 411.01015.

279
280 The Agency for Workforce Innovation, the Department of
281 Education, and early learning coalitions shall coordinate with
282 the Child Care Services Program Office of the Department of
283 Children and Family Services to minimize duplicating interagency
284 activities pertaining to acquiring and composing data for child
285 care training and credentialing.

286 Section 5. This act shall take effect July 1, 2011.

287
288 ===== T I T L E A M E N D M E N T =====

289 And the title is amended as follows:

290
291 Delete everything before the enacting clause
292 and insert:

293 A bill to be entitled
294 An act relating to child care facilities; amending s.
295 402.281, F.S.; revising the criteria for a child care
296 facility, large family child care home, or family day
297 care home to obtain and maintain a designation as a
298 Gold Seal Quality Care provider; amending s. 402.302,
299 F.S.; revising and providing definitions; providing
300 for certain household children to be included in
301 calculations regarding the capacity of licensed family
302 day care homes and large family child care homes;
303 providing conditions for supervision of household



790250

304 children of operators of family day care homes and
305 large family child care homes; amending s. 402.318,
306 F.S.; revising advertising requirements applicable to
307 child care facilities; providing penalties; amending
308 s. 411.01, F.S.; conforming a cross-reference;
309 providing an effective date.