

By the Committee on Children, Families, and Elder Affairs; and  
Senator Latvala

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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  
5 included in calculations regarding the capacity of  
6 licensed family day care homes and large family child  
7 care homes; providing conditions for supervision of  
8 household children of operators of family day care  
9 homes and large family child care homes; amending s.  
10 402.318, F.S.; revising advertising requirements  
11 applicable to child care facilities; providing  
12 penalties; amending s. 411.01, F.S., relating to  
13 school readiness programs; conforming a cross-  
14 reference; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 402.302, Florida Statutes, is amended to  
19 read:

20 402.302 Definitions.—As used in this chapter, the term:

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

27 (2) "Child care facility" includes any child care center or  
28 child care arrangement which provides child care for more than  
29 five children unrelated to the operator and which receives a

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30 payment, fee, or grant for any of the children receiving care,  
31 wherever operated, and whether or not operated for profit. The  
32 following are not included:

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

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

36 (c) Summer day camps;

37 (d) Bible schools normally conducted during vacation  
38 periods; and

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

44 (3) "Child care personnel" means all owners, operators,  
45 employees, and volunteers working in a child care facility. The  
46 term does not include persons who work in a child care facility  
47 after hours when children are not present or parents of children  
48 in a child care facility. For purposes of screening, the term  
49 includes any member, over the age of 12 years, of a child care  
50 facility operator's family, or person, over the age of 12 years,  
51 residing with a child care facility operator if the child care  
52 facility is located in or adjacent to the home of the operator  
53 or if the family member of, or person residing with, the child  
54 care facility operator has any direct contact with the children  
55 in the facility during its hours of operation. Members of the  
56 operator's family or persons residing with the operator who are  
57 between the ages of 12 years and 18 years are not required to be  
58 fingerprinted but must be screened for delinquency records. For

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

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

79 (5) "Department" means the Department of Children and  
80 Family Services.

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

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88 (7) "Evening child care" means child care provided during  
89 the evening hours and may encompass the hours of 6:00 p.m. to  
90 7:00 a.m. to accommodate parents who work evenings and late-  
91 night shifts.

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

103 (a) A maximum of four children from birth to 12 months of  
104 age.

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

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

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

112 (9) "Household children" means children who are related by  
113 blood, marriage, or legal adoption to, or who are the legal  
114 wards of, the family day care home operator, the large family  
115 child care home operator, or an adult household member who  
116 permanently or temporarily resides in the home. Supervision of

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117 the operator's household children shall be left to the  
118 discretion of the operator unless those children receive  
119 subsidized child care to be in the home.

120 ~~(10)(9)~~ "Large family child care home" means an occupied  
121 residence in which child care is regularly provided for children  
122 from at least two unrelated families, which receives a payment,  
123 fee, or grant for any of the children receiving care, whether or  
124 not operated for profit, and which has at least two full-time  
125 child care personnel on the premises during the hours of  
126 operation. One of the two full-time child care personnel must be  
127 the owner or occupant of the residence. A large family child  
128 care home must first have operated as a licensed family day care  
129 home for 2 years, with an operator who has had a child  
130 development associate credential or its equivalent for 1 year,  
131 before seeking licensure as a large family child care home.  
132 Household children under 13 years of age, when on the premises  
133 of the large family child care home or on a field trip with  
134 children enrolled in child care, shall be included in the  
135 overall capacity of the licensed home. A large family child care  
136 home shall be allowed to provide care for one of the following  
137 groups of children, which shall include household ~~those~~ children  
138 under 13 years of age ~~who are related to the caregiver:~~

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

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

142 ~~(11)(10)~~ "Indoor recreational facility" means an indoor  
143 commercial facility which is established for the primary purpose  
144 of entertaining children in a planned fitness environment  
145 through equipment, games, and activities in conjunction with

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146 food service and which provides child care for a particular  
147 child no more than 4 hours on any one day. An indoor  
148 recreational facility must be licensed as a child care facility  
149 under s. 402.305, but is exempt from the minimum outdoor-square-  
150 footage-per-child requirement specified in that section, if the  
151 indoor recreational facility has, at a minimum, 3,000 square  
152 feet of usable indoor floor space.

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

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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 to  
183 read:

184 402.318 Advertisement.—A No person, as defined in s.  
185 1.01(3), may not shall advertise or publish an advertisement for  
186 a child care facility, family day care home, or large family  
187 child care home without including within such advertisement the  
188 state or local agency license number or registration number of  
189 such facility or home. Violation of this section is a  
190 misdemeanor of the first degree, punishable as provided in s.  
191 775.082 or s. 775.083.

192 Section 3. Paragraph (c) of subsection (5) of section  
193 411.01, Florida Statutes, is amended to read:

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

196 (5) CREATION OF EARLY LEARNING COALITIONS.—

197 (c) *Program expectations*.—

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

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

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

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

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

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

231           f. The Agency for Workforce Innovation must consider the  
232 access of eligible children to the school readiness program, as

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233 demonstrated in part by waiting lists, before approving a  
234 proposed increase in payment rates submitted by an early  
235 learning coalition. In addition, early learning coalitions shall  
236 use school readiness funds made available due to enrollment  
237 shifts from school readiness programs to the Voluntary  
238 Prekindergarten Education Program for increasing the number of  
239 children served in school readiness programs before increasing  
240 payment rates.

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

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

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

256 a. Developmentally appropriate curriculum designed to  
257 enhance the age-appropriate progress of children in attaining  
258 the performance standards adopted by the Agency for Workforce  
259 Innovation under subparagraph (4)(d)8.

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

261 c. An age-appropriate screening of each child's

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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 (10) ~~s. 402.302(7) or (8)~~, as  
268 applicable, 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  
281 care training and credentialing.

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