

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Education Appropriations
2 Subcommittee

3 Representative O'Toole offered the following:
4

5 **Amendment (with directory amendment)**

6 Remove lines 174-241 and insert:
7

8 (c) Programs for children who are at least 3 years of age,
9 but under 5 years of age, shall not be deemed to be child care
10 and shall not be subject to the provisions of ss. 402.301-
11 402.319 relating to child care facilities, provided the programs
12 in the schools are operated and staffed directly by the schools,
13 provided a majority of the children enrolled in the schools are
14 5 years of age or older, and provided there is compliance with
15 the screening requirements for personnel pursuant to s. 402.305
16 or s. 402.3057. A county that has established a local licensing
17 agency pursuant to s. 402.308 may require nonpublic schools

Amendment No. 1

18 offering programs under this paragraph, which are not licensed
19 under ss. 402.301-402.319 to comply with the minimum child care
20 standards promulgated pursuant to ss. 402.305-402.3057.
21 Compliance with minimum child care standards is that level of
22 adherence to adopted standards which is sufficient to safeguard
23 the health, safety, and well-being of all children under care.
24 Compliance is greater than minimal adherence but not to the
25 level of absolute adherence. Where a violation or variation is
26 identified as the type which impacts, or can be reasonably
27 expected within 90 days to impact, the health, safety, or well-
28 being of a child, there is no compliance. Enforcement under this
29 paragraph by a local licensing agency shall be consistent with
30 paragraph (d). A nonpublic school may designate certain programs
31 as child care, in which case these programs shall be subject to
32 the provisions of ss. 402.301-402.319.

33 (d)1. Nonpublic schools delivering programs under s.
34 1002.55, s. 1002.61, or s. 1002.88 ~~Programs for children who are~~
35 ~~at least 3 years of age, but under 5 years of age,~~ which are not
36 licensed under ss. 402.301-402.319 shall substantially comply
37 with the minimum child care standards adopted ~~promulgated~~
38 pursuant to ss. 402.305-402.3057. The inclusion of nonpublic
39 schools within options available under ss. 1002.55, 1002.61, and
40 1002.88 does not expand the regulatory authority of the state,
41 its officers, any local licensing agency, or any early learning
42 coalition to impose any additional regulation of nonpublic

Amendment No. 1

43 schools beyond those reasonably necessary to enforce
44 requirements expressly specified in this paragraph.

45 2. The department or local licensing agency shall enforce
46 compliance with such standards, where possible, to eliminate or
47 minimize duplicative inspections or visits by staff enforcing
48 the minimum child care standards and staff enforcing other
49 standards under the jurisdiction of the department.

50 3. The department or local licensing agency may inspect
51 programs operating under this paragraph and pursue
52 administrative or judicial action under ss. 402.310-402.312
53 against nonpublic schools operating under this paragraph
54 ~~commence and maintain all proper and necessary actions and~~
55 ~~proceedings for any or all of the following purposes:~~

56 a. ~~to protect the health, sanitation, safety, and well-~~
57 ~~being of all children under care.~~

58 b. ~~To enforce its rules and regulations.~~

59 c. ~~To use corrective action plans, whenever possible, to~~
60 ~~attain compliance prior to the use of more restrictive~~
61 ~~enforcement measures.~~

62 d. ~~To make application for injunction to the proper~~
63 ~~circuit court, and the judge of that court shall have~~
64 ~~jurisdiction upon hearing and for cause shown to grant a~~
65 ~~temporary or permanent injunction, or both, restraining any~~
66 ~~person from violating or continuing to violate any of the~~
67 ~~provisions of ss. 402.301-402.319. Any violation of this section~~
68 ~~or of the standards applied under ss. 402.305-402.3057 which~~

Amendment No. 1

69 ~~threatens harm to any child in the school's programs for~~
70 ~~children who are at least 3 years of age, but are under 5 years~~
71 ~~of age, or repeated violations of this section or the standards~~
72 ~~under ss. 402.305-402.3057, shall be grounds to seek an~~
73 ~~injunction to close a program in a school.~~

74 ~~e. To impose an administrative fine, not to exceed \$100,~~
75 ~~for each violation of the minimum child care standards~~
76 ~~promulgated pursuant to ss. 402.305-402.3057.~~

77 4. It is a misdemeanor of the first degree, punishable as
78 provided in s. 775.082 or s. 775.083, for any person willfully,
79 knowingly, or intentionally to:

80 a. Fail, by false statement, misrepresentation,
81 impersonation, or other fraudulent means, to disclose in any
82 required written documentation for exclusion from licensure
83 pursuant to this section a material fact used in making a
84 determination as to such exclusion; or

85 b. Use information from the criminal records obtained
86 under s. 402.305 or s. 402.3055 for any purpose other than
87 screening that person for employment as specified in those
88 sections or release such information to any other person for any
89 purpose other than screening for employment as specified in
90 those sections.

91 5. It is a felony of the third degree, punishable as
92 provided in s. 775.082, s. 775.083, or s. 775.084, for any
93 person willfully, knowingly, or intentionally to use information
94 from the juvenile records of any person obtained under s.

Amendment No. 1

95 402.305 or s. 402.3055 for any purpose other than screening for
96 employment as specified in those sections or to release
97 information from such records to any other person for any
98 purpose other than screening for employment as specified in
99 those sections.

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D I R E C T O R Y A M E N D M E N T

104

Remove line 169 and insert:

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Section 5. Paragraphs (c), (d), and (e) of subsection (2) of