

HB 7053

2016

1 A bill to be entitled
2 An act relating to the Child Care and Development
3 Block Grant Program; amending s. 39.201, F.S.;
4 providing an exception from a prohibition against the
5 use of information in the Department of Children and
6 Families central abuse hotline for employment
7 screening of certain child care personnel; amending s.
8 39.202, F.S.; expanding the list of entities that have
9 access to child abuse records for purposes of
10 approving providers of school readiness services;
11 amending s. 402.302, F.S.; revising the definition of
12 the term "screening" for purposes of child care
13 licensing requirements; amending s. 402.306, F.S.;
14 requiring the Department of Children and Families and
15 local licensing agencies to electronically post
16 certain information relating to child care and school
17 readiness providers; amending s. 402.311, F.S.;
18 requiring school readiness program providers to
19 provide the department or local licensing agencies
20 with access to facilities, personnel, and records for
21 inspection purposes; amending s. 402.319, F.S.;
22 requiring certain child care providers to submit an
23 affidavit of compliance with certain mandatory
24 reporting requirements; amending s. 435.07, F.S.;
25 providing criteria for disqualification from
26 employment with a school readiness program provider;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 | amending s. 1002.82, F.S.; revising the duties of the
 28 | Office of Early Learning of the Department of
 29 | Education; requiring the office to coordinate with the
 30 | Department of Children and Families and local
 31 | licensing agencies for inspections of school readiness
 32 | program providers; amending s. 1002.84, F.S.; revising
 33 | provisions relating to determination of child
 34 | eligibility for school readiness programs; revising
 35 | requirements for determining parent copayments for
 36 | participation in the program; amending s. 1002.87,
 37 | F.S.; revising school readiness program eligibility
 38 | requirements for parents; amending s. 1002.88, F.S.;
 39 | revising requirements for school readiness program
 40 | providers; amending s. 1002.89, F.S.; providing for
 41 | additional uses of funds for school readiness
 42 | programs; providing an effective date.

43 |

44 | Be It Enacted by the Legislature of the State of Florida:

45 |

46 | Section 1. Subsection (6) of section 39.201, Florida
 47 | Statutes, is amended to read:

48 | 39.201 Mandatory reports of child abuse, abandonment, or
 49 | neglect; mandatory reports of death; central abuse hotline.—

50 | (6) Information in the central abuse hotline may not be
 51 | used for employment screening, except as provided in s.

52 | 39.202(2) (a) and (h) or s. 402.302(15). Information in the

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53 central abuse hotline and the department's automated abuse
54 information system may be used by the department, its authorized
55 agents or contract providers, the Department of Health, or
56 county agencies as part of the licensure or registration process
57 pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.

58 Section 2. Paragraph (a) of subsection (2) of section
59 39.202, Florida Statutes, is amended to read:

60 39.202 Confidentiality of reports and records in cases of
61 child abuse or neglect.—

62 (2) Except as provided in subsection (4), access to such
63 records, excluding the name of the reporter which shall be
64 released only as provided in subsection (5), shall be granted
65 only to the following persons, officials, and agencies:

66 (a) Employees, authorized agents, or contract providers of
67 the department, the Department of Health, the Agency for Persons
68 with Disabilities, the Office of Early Learning, or county
69 agencies responsible for carrying out:

- 70 1. Child or adult protective investigations;
- 71 2. Ongoing child or adult protective services;
- 72 3. Early intervention and prevention services;
- 73 4. Healthy Start services;
- 74 5. Licensure or approval of adoptive homes, foster homes,
75 child care facilities, facilities licensed under chapter 393, ~~or~~
76 family day care homes, ~~or informal child care providers who~~
77 receive school readiness funding under part VI of chapter 1002,
78 or other homes used to provide for the care and welfare of

79 children; or

80 6. Services for victims of domestic violence when provided
 81 by certified domestic violence centers working at the
 82 department's request as case consultants or with shared clients.

83
 84 Also, employees or agents of the Department of Juvenile Justice
 85 responsible for the provision of services to children, pursuant
 86 to chapters 984 and 985.

87 Section 3. Subsection (15) of section 402.302, Florida
 88 Statutes, is amended to read:

89 402.302 Definitions.—As used in this chapter, the term:

90 (15) "Screening" means the act of assessing the background
 91 of child care personnel, in accordance with state and federal
 92 law, and volunteers and includes, but is not limited to:⁷

93 (a) Employment history checks, including documented
 94 attempts to contact each employer that employed the applicant
 95 within the preceding 5 years and documentation of the findings.

96 (b) A search of the criminal history records, sexual
 97 predator and sexual offender registry, and child abuse and
 98 neglect registry of any state in which the applicant resided
 99 during the preceding 5 years.

100
 101 A fingerprint-based identification system is required for
 102 purposes of local criminal records checks through local law
 103 enforcement agencies, fingerprinting for all purposes and checks
 104 in this subsection, statewide criminal records checks through

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105 the Department of Law Enforcement, and federal criminal records
106 checks through the Federal Bureau of Investigation.

107 Section 4. Subsection (3) of section 402.306, Florida
108 Statutes, is amended to read:

109 402.306 Designation of licensing agency; dissemination by
110 the department and local licensing agency of information on
111 child care.—

112 (3) The department and local licensing agencies, or the
113 designees thereof, shall be responsible for coordination and
114 dissemination of information on child care to the community and
115 shall make available through electronic means ~~upon request~~ all
116 licensing standards and procedures, health and safety standards
117 for school readiness providers, monitoring and inspection
118 reports, and ~~in addition to~~ the names and addresses of licensed
119 child care facilities, school readiness program providers, and,
120 where applicable pursuant to s. 402.313, licensed or registered
121 family day care homes. This information shall also include the
122 number of deaths, serious injuries, and instances of
123 substantiated child abuse that have occurred in child care
124 settings each year; research and best practices in child
125 development; and resources regarding social-emotional
126 development, parent and family engagement, healthy eating, and
127 physical activity.

128 Section 5. Section 402.311, Florida Statutes, is amended
129 to read:

130 402.311 Inspection.—

131 (1) A licensed child care facility shall accord to the
 132 department or the local licensing agency, whichever is
 133 applicable, the privilege of inspection, including access to
 134 facilities and personnel and to those records required in s.
 135 402.305, at reasonable times during regular business hours, to
 136 ensure compliance with ~~the provisions of~~ ss. 402.301-402.319.
 137 The right of entry and inspection shall also extend to any
 138 premises which the department or local licensing agency has
 139 reason to believe are being operated or maintained as a child
 140 care facility without a license, but no such entry or inspection
 141 of any premises shall be made without the permission of the
 142 person in charge thereof unless a warrant is first obtained from
 143 the circuit court authorizing such entry or inspection ~~same~~. Any
 144 application for a license or renewal made pursuant to this act
 145 or the advertisement to the public for the provision of child
 146 care as defined in s. 402.302 shall constitute permission for
 147 any entry or inspection of the premises for which the license is
 148 sought in order to facilitate verification of the information
 149 submitted on or in connection with the application. In the event
 150 a licensed facility refuses permission for entry or inspection
 151 to the department or local licensing agency, a warrant shall be
 152 obtained from the circuit court authorizing entry or inspection
 153 before ~~same prior to~~ such entry or inspection. The department or
 154 local licensing agency may institute disciplinary proceedings
 155 pursuant to s. 402.310~~7~~ for such refusal.

156 (2) A school readiness program provider shall accord to

157 the department or the local licensing agency, whichever is
158 applicable, the privilege of inspection, including access to
159 facilities, personnel, and records, to verify compliance with
160 the requirements of s. 1002.88. Entry, inspection, and issuance
161 of an inspection report by the department or the local licensing
162 agency to verify compliance with the requirements of s. 1002.88
163 is an exercise of a discretionary power to enforce compliance
164 with the laws duly enacted by a governmental body.

165 (3) The department's issuance, transmittal, or publication
166 of an inspection report resulting from an inspection under this
167 section does not constitute agency action subject to chapter
168 120.

169 Section 6. Subsection (3) is added to section 402.319,
170 Florida Statutes, to read:

171 402.319 Penalties.—

172 (3) Each child care facility, family day care home, and
173 large family day care home shall annually submit an affidavit of
174 compliance with s. 39.201.

175 Section 7. Paragraph (c) is added to subsection (4) of
176 section 435.07, Florida Statutes, to read:

177 435.07 Exemptions from disqualification.—Unless otherwise
178 provided by law, the provisions of this section apply to
179 exemptions from disqualification for disqualifying offenses
180 revealed pursuant to background screenings required under this
181 chapter, regardless of whether those disqualifying offenses are
182 listed in this chapter or other laws.

183 (4)

184 (c) A person is ineligible for employment with a provider
185 that receives school readiness funding under part VI of chapter
186 1002 if the person has been convicted of:

187 1. A felony offense prohibited under any of the following
188 statutes:

189 a. Chapter 741, relating to domestic violence.

190 b. Section 782.04, relating to murder.

191 c. Section 782.07, relating to manslaughter, aggravated
192 manslaughter of an elderly person or disabled adult, aggravated
193 manslaughter of a child, or aggravated manslaughter of an
194 officer, a firefighter, an emergency medical technician, or a
195 paramedic.

196 d. Section 784.021, relating to aggravated assault.

197 e. Section 784.045, relating to aggravated battery.

198 f. Section 787.01, relating to kidnapping.

199 g. Section 787.025, relating to luring or enticing a
200 child.

201 h. Section 787.04(2), relating to leading, taking,
202 enticing, or removing a minor beyond the state limits, or
203 concealing the location of a minor, with criminal intent pending
204 custody proceedings.

205 i. Section 787.04(3), relating to leading, taking,
206 enticing, or removing a minor beyond the state limits, or
207 concealing the location of a minor, with criminal intent pending
208 dependency proceedings or proceedings concerning alleged abuse

209 or neglect of a minor.

210 j. Section 794.011, relating to sexual battery.

211 k. Former s. 794.041, relating to sexual activity with or

212 solicitation of a child by a person in familial or custodial

213 authority.

214 l. Section 794.05, relating to unlawful sexual activity

215 with certain minors.

216 m. Section 794.08, relating to female genital mutilation.

217 n. Section 806.01, relating to arson.

218 o. Section 826.04, relating to incest.

219 p. Section 827.03, relating to child abuse, aggravated

220 child abuse, or neglect of a child.

221 q. Section 827.04, relating to contributing to the

222 delinquency or dependency of a child.

223 r. Section 827.071, relating to sexual performance by a

224 child.

225 s. Section 985.701, relating to sexual misconduct in

226 juvenile justice programs.

227 2. A misdemeanor offense prohibited under any of the

228 following statutes:

229 a. Section 784.03, relating to battery, if the victim of

230 the offense was a minor.

231 b. Section 787.025, relating to luring or enticing a

232 child.

233 3. A criminal act committed in another state or under

234 federal law which, if committed in this state, constitutes an

235 offense prohibited under any statute listed in subparagraph 1.
236 or subparagraph 2.

237 Section 8. Paragraph (i) of subsection (2) of section
238 1002.82, Florida Statutes, is amended, and paragraphs (s)
239 through (x) are added to that subsection, to read:

240 1002.82 Office of Early Learning; powers and duties.—

241 (2) The office shall:

242 (i) Enter into a memorandum of understanding with local
243 licensing agencies and Develop, in coordination with the Child
244 Care Services Program Office of the Department of Children and
245 Families for inspections of school readiness program providers
246 that are registered family day care homes or are not subject to
247 licensure or registration by the Department of Children and
248 Families to monitor and verify compliance with the health and
249 safety checklist adopted by the office. The provider contract of
250 a school readiness program provider that refuses permission for
251 entry or inspection shall be terminated. The, and adopt a health
252 and safety checklist may to be completed by license-exempt
253 providers that does not exceed the requirements of s. 402.305
254 and the Child Care and Development Fund pursuant to 45 C.F.R.
255 part 98.

256 (s) Develop and implement strategies to increase the
257 supply and improve the quality of child care services for
258 infants and toddlers, children with disabilities, children who
259 receive care during nontraditional hours, children in
260 underserved areas, and children in areas that have significant

261 concentrations of poverty and unemployment.

262 (t) Establish preservice and inservice training
263 requirements that address, at a minimum, school readiness child
264 development standards, health and safety requirements, and
265 social-emotional behavior intervention models, which may include
266 positive behavior intervention and support models.

267 (u) Establish standards for emergency preparedness plans
268 for school readiness program providers.

269 (v) Establish group sizes.

270 (w) Establish staff-to-children ratios that do not exceed
271 the requirements of s. 402.302(8) or (11) or s. 402.305(4), as
272 applicable, for school readiness program providers.

273 (x) Establish eligibility criteria, including limitations
274 based on income and family assets, in accordance with s. 1002.87
275 and federal law.

276 Section 9. Subsections (7) and (8) of section 1002.84,
277 Florida Statutes, are amended to read:

278 1002.84 Early learning coalitions; school readiness powers
279 and duties.—Each early learning coalition shall:

280 (7) Determine child eligibility pursuant to s. 1002.87 and
281 provider eligibility pursuant to s. 1002.88. ~~At a minimum, Child~~
282 ~~eligibility must be redetermined annually. Redetermination must~~
283 ~~also be conducted twice per year for an additional 50 percent of~~
284 ~~a coalition's enrollment through a statistically valid random~~
285 ~~sampling.~~ A coalition must document the reason ~~why~~ a child is no
286 longer eligible for the school readiness program according to

287 the standard codes prescribed by the office.

288 (8) Establish a parent sliding fee scale that provides for
289 ~~requires~~ a parent copayment that is not a barrier to families
290 receiving ~~to participate in the~~ school readiness program
291 services. Providers are required to collect the parent's
292 copayment. A coalition may, on a case-by-case basis, waive the
293 copayment for an at-risk child or temporarily waive the
294 copayment for a child whose family's income is at or below the
295 federal poverty level and whose family experiences a natural
296 disaster or an event that limits the parent's ability to pay,
297 such as incarceration, placement in residential treatment, or
298 becoming homeless, or an emergency situation such as a household
299 fire or burglary, or while the parent is participating in
300 parenting classes. A parent may not transfer school readiness
301 program services to another school readiness program provider
302 until the parent has submitted documentation from the current
303 school readiness program provider to the early learning
304 coalition stating that the parent has satisfactorily fulfilled
305 the copayment obligation.

306 Section 10. Subsections (4), (5), and (6) of section
307 1002.87, Florida Statutes, are amended to read:

308 1002.87 School readiness program; eligibility and
309 enrollment.—

310 (4) The parent of a child enrolled in the school readiness
311 program must notify the coalition or its designee within 10 days
312 after any change in employment status, income, or family size or

313 failure to maintain attendance at a job training or educational
314 program in accordance with program requirements. ~~Upon~~
315 ~~notification by the parent, the child's eligibility must be~~
316 ~~reevaluated.~~

317 (5) A child whose eligibility priority category requires
318 the child to be from a working family ceases to be eligible for
319 the school readiness program if a parent with whom the child
320 resides does not reestablish employment or resume attendance at
321 a job training or educational program within 90 ~~60~~ days after
322 becoming unemployed or ceasing to attend a job training or
323 educational program.

324 (6) Eligibility for each child must be reevaluated
325 annually. Upon reevaluation, a child may not continue to receive
326 school readiness program services if he or she has ceased to be
327 eligible under this section. A child who is ineligible due to a
328 parent's job loss or cessation of education or job training
329 shall continue to receive school readiness program services for
330 at least 3 months to enable the parent to obtain employment.

331 Section 11. Paragraphs (c), (d), and (e) of subsection (1)
332 of section 1002.88, Florida Statutes, are amended to read:

333 1002.88 School readiness program provider standards;
334 eligibility to deliver the school readiness program.—

335 (1) To be eligible to deliver the school readiness
336 program, a school readiness program provider must:

337 (c) Provide basic health and safety of its premises and
338 facilities and compliance with requirements for age-appropriate

339 immunizations of children enrolled in the school readiness
340 program.

341 1. For a provider that is licensed child care facility, a
342 large family child care home, or a licensed family day care
343 home, compliance with s. 402.305, s. 402.3131, or s. 402.313 and
344 this subsection, as verified pursuant to s. 402.311, satisfies
345 this requirement.

346 2. For a provider that is a registered family day care
347 home or is not subject to licensure or registration by the
348 Department of Children and Families, compliance with this
349 subsection, as verified pursuant to s. 402.311, satisfies this
350 requirement. Upon verification pursuant to s. 402.311, the
351 provider ~~For a public or nonpublic school, compliance with s.~~
352 ~~402.3025 or s. 1003.22 satisfies this requirement. A faith-based~~
353 ~~child care provider, an informal child care provider, or a~~
354 ~~nonpublic school, exempt from licensure under s. 402.316 or s.~~
355 ~~402.3025,~~ shall annually post ~~complete~~ the health and safety
356 checklist adopted by the office, ~~post the checklist~~ prominently
357 on its premises in plain sight for visitors and parents, ~~and~~
358 shall annually submit the checklist ~~it annually~~ to its local
359 early learning coalition.

360 (d) Provide an appropriate group size and staff-to-
361 children ratio, ~~pursuant to s. 402.305(4) or s. 402.302(8) or~~
362 ~~(11), as applicable, and as verified pursuant to s. 402.311.~~

363 (e) Employ child care personnel, as defined in s.
364 402.302(3), who have satisfied the screening requirements of

365 chapter 402 and fulfilled the training requirements of the
366 office ~~Provide a healthy and safe environment pursuant to s.~~
367 ~~402.305(5), (6), and (7), as applicable, and as verified~~
368 ~~pursuant to s. 402.311.~~

369 Section 12. Subsections (6) and (7) of section 1002.89,
370 Florida Statutes, are amended to read:

371 1002.89 School readiness program; funding.—

372 (6) Costs shall be kept to the minimum necessary for the
373 efficient and effective administration of the school readiness
374 program with the highest priority of expenditure being direct
375 services for eligible children. However, no more than 5 percent
376 of the funds described in subsection (5) may be used for
377 administrative costs and no more than 22 percent of the funds
378 described in subsection (5) may be used in any fiscal year for
379 any combination of administrative costs, quality activities, and
380 nondirect services as follows:

381 (a) Administrative costs as described in 45 C.F.R. s.
382 98.52, which shall include monitoring providers using the
383 standard methodology adopted under s. 1002.82 to improve
384 compliance with state and federal regulations and law pursuant
385 to the requirements of the statewide provider contract adopted
386 under s. 1002.82(2)(m).

387 (b) Activities to improve the quality of child care as
388 described in 45 C.F.R. s. 98.51, which shall be limited to the
389 following:

390 1. Developing, establishing, expanding, operating, and

391 coordinating resource and referral programs specifically related
392 to the provision of comprehensive consumer education to parents
393 and the public to promote informed child care choices specified
394 in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~
395 ~~readiness program and parental choice.~~

396 2. Awarding grants and providing financial support to
397 school readiness program providers and their staff to assist
398 them in meeting applicable state requirements for child care
399 performance standards, implementing developmentally appropriate
400 curricula and related classroom resources that support
401 curricula, providing literacy supports, and providing continued
402 professional development and training. Any grants awarded
403 pursuant to this subparagraph shall comply with ~~the requirements~~
404 ~~of~~ ss. 215.971 and 287.058.

405 3. Providing training, ~~and~~ technical assistance, and
406 financial support to ~~for~~ school readiness program providers,
407 staff, and parents on standards, child screenings, child
408 assessments, child development research and best practices,
409 developmentally appropriate curricula, character development,
410 teacher-child interactions, age-appropriate discipline
411 practices, health and safety, nutrition, first aid,
412 cardiopulmonary resuscitation, the recognition of communicable
413 diseases, and child abuse detection, ~~and~~ prevention, and
414 reporting.

415 4. Providing, from among the funds provided for the
416 activities described in subparagraphs 1.-3., adequate funding

417 for infants and toddlers as necessary to meet federal
418 requirements related to expenditures for quality activities for
419 infant and toddler care.

420 5. Improving the monitoring of compliance with, and
421 enforcement of, applicable state and local requirements as
422 described in and limited by 45 C.F.R. s. 98.40.

423 6. Responding to Warm-Line requests by providers and
424 parents ~~related to school readiness program children~~, including
425 providing developmental and health screenings to school
426 readiness program children.

427 (c) Nondirect services as described in applicable Office
428 of Management and Budget instructions are those services not
429 defined as administrative, direct, or quality services that are
430 required to administer the school readiness program. Such
431 services include, but are not limited to:

432 1. Assisting families to complete the required application
433 and eligibility documentation.

434 2. Determining child and family eligibility.

435 3. Recruiting eligible child care providers.

436 4. Processing and tracking attendance records.

437 5. Developing and maintaining a statewide child care
438 information system.

439
440 As used in this paragraph, the term "nondirect services" does
441 not include payments to school readiness program providers for
442 direct services provided to children who are eligible under s.

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443 1002.87, administrative costs as described in paragraph (a), or
444 quality activities as described in paragraph (b).

445 (7) Funds appropriated for the school readiness program
446 may not be expended for the purchase or improvement of land; for
447 the purchase, construction, or permanent improvement of any
448 building or facility; or for the purchase of buses. However,
449 funds may be expended for minor remodeling and upgrading of
450 child care facilities which is necessary for the administration
451 of the program and to ensure that providers meet state and local
452 child care standards, including applicable health and safety
453 requirements.

454 Section 13. This act shall take effect July 1, 2016.