

By the Committee on Education Pre-K - 12

581-02943-16

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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. 402.3057, F.S.;
14 clarifying individuals who are exempt from certain
15 refingerprinting or rescreening requirements; amending
16 s. 402.306, F.S.; requiring the Department of Children
17 and Families and local licensing agencies to
18 electronically post certain information relating to
19 child care and school readiness providers; amending s.
20 402.311, F.S.; requiring school readiness program
21 providers to provide the Department of Children and
22 Families or local licensing agencies with access to
23 facilities, personnel, and records for inspection
24 purposes; amending s. 402.319, F.S.; requiring certain
25 child care providers to submit an affidavit of
26 compliance with certain mandatory reporting
27 requirements; amending s. 409.1757, F.S.; clarifying
28 individuals who are exempt from certain
29 refingerprinting or rescreening requirements; amending
30 s. 435.07, F.S.; prohibiting removal or exemption from
31 disqualification from employment for any school
32 readiness provider personnel if registered as a sex

581-02943-16

20167058__

33 offender or convicted of specified crimes; amending s.
34 1002.82, F.S.; revising the duties of the Office of
35 Early Learning of the Department of Education;
36 requiring the office to coordinate with the Department
37 of Children and Families and local licensing agencies
38 for inspections of school readiness program providers;
39 amending s. 1002.84, F.S.; revising provisions
40 relating to determination of child eligibility for
41 school readiness programs; revising requirements for
42 determining parent copayments for the programs;
43 amending s. 1002.87, F.S.; revising the prioritization
44 of participation in school readiness programs;
45 revising school readiness program eligibility
46 requirements for parents; amending s. 1002.88, F.S.;
47 revising requirements for school readiness program
48 providers; amending s. 1002.89, F.S.; providing for
49 additional uses of funds for school readiness
50 programs; providing an effective date.

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52 Be It Enacted by the Legislature of the State of Florida:

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54 Section 1. Subsection (6) of section 39.201, Florida
55 Statutes, is amended to read:

56 39.201 Mandatory reports of child abuse, abandonment, or
57 neglect; mandatory reports of death; central abuse hotline.—

58 (6) Information in the central abuse hotline may not be
59 used for employment screening, except as provided in s.
60 39.202(2) (a) and (h) or s. 402.302(15). Information in the
61 central abuse hotline and the department's automated abuse

581-02943-16

20167058__

62 information system may be used by the department, its authorized
63 agents or contract providers, the Department of Health, or
64 county agencies as part of the licensure or registration process
65 pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.

66 Section 2. Paragraph (a) of subsection (2) of section
67 39.202, Florida Statutes, is amended to read:

68 39.202 Confidentiality of reports and records in cases of
69 child abuse or neglect.-

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

74 (a) Employees, authorized agents, or contract providers of
75 the department, the Department of Health, the Agency for Persons
76 with Disabilities, the Office of Early Learning, or county
77 agencies responsible for carrying out:

- 78 1. Child or adult protective investigations;
- 79 2. Ongoing child or adult protective services;
- 80 3. Early intervention and prevention services;
- 81 4. Healthy Start services;
- 82 5. Licensure or approval of adoptive homes, foster homes,
83 child care facilities, facilities licensed under chapter 393, ~~or~~
84 family day care homes, or informal child care providers who
85 receive school readiness funding under part VI of chapter 1002,
86 or other homes used to provide for the care and welfare of
87 children; or
- 88 6. Services for victims of domestic violence when provided
89 by certified domestic violence centers working at the
90 department's request as case consultants or with shared clients.

581-02943-16

20167058__

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

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

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

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

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

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

An applicant must submit a full set of fingerprints to the department or to a vendor, an entity, or an agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to ~~local criminal records checks through local law enforcement agencies, fingerprinting for all purposes and checks in this subsection, statewide criminal records checks through the Department of Law Enforcement for state processing,~~ and the Department of Law Enforcement shall forward the fingerprints to, ~~and federal criminal records checks through the Federal Bureau of Investigation for national processing.~~

581-02943-16

20167058__

120 Section 4. Section 402.3057, Florida Statutes, is amended
121 to read:

122 402.3057 Individuals ~~Persons~~ not required to be
123 refingerprinted or rescreened. ~~Individuals~~ Any provision of law
124 ~~to the contrary notwithstanding, human resource personnel~~ who
125 have been fingerprinted or screened pursuant to chapters 393,
126 394, 397, 402, and 409, ~~and teachers and noninstructional~~
127 ~~personnel who have been fingerprinted pursuant to chapter 1012,~~
128 who have not been unemployed for more than 90 days thereafter,
129 and who under the penalty of perjury attest to the completion of
130 such fingerprinting or screening and to compliance with the
131 provisions of this section and the standards for good moral
132 character as contained in such provisions as ss. 110.1127(2)(c),
133 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(6),
134 are ~~shall~~ not be required to be refingerprinted or rescreened in
135 order to comply with any ~~caretaker~~ screening or fingerprinting
136 requirements of this chapter.

137 Section 5. Subsection (3) of section 402.306, Florida
138 Statutes, is amended to read:

139 402.306 Designation of licensing agency; dissemination by
140 the department and local licensing agency of information on
141 child care.-

142 (3) The department and local licensing agencies, or the
143 designees thereof, shall be responsible for coordination and
144 dissemination of information on child care to the community and
145 shall make available through electronic means ~~upon request~~ all
146 licensing standards and procedures, health and safety standards
147 for school readiness providers, monitoring and inspection
148 reports, and ~~in addition to~~ the names and addresses of licensed

581-02943-16

20167058__

149 child care facilities, school readiness program providers, and,
150 where applicable pursuant to s. 402.313, licensed or registered
151 family day care homes. This information must also include the
152 number of deaths, serious injuries, and instances of
153 substantiated child abuse which have occurred in child care
154 settings each year; research and best practices in child
155 development; and resources regarding social-emotional
156 development, parent and family engagement, healthy eating, and
157 physical activity.

158 Section 6. Section 402.311, Florida Statutes, is amended to
159 read:

160 402.311 Inspection.—

161 (1) A licensed child care facility shall accord to the
162 department or the local licensing agency, whichever is
163 applicable, the privilege of inspection, including access to
164 facilities and personnel and to those records required in s.
165 402.305, at reasonable times during regular business hours, to
166 ensure compliance with ~~the provisions of~~ ss. 402.301-402.319.
167 The right of entry and inspection shall also extend to any
168 premises which the department or local licensing agency has
169 reason to believe are being operated or maintained as a child
170 care facility without a license, but no such entry or inspection
171 of any premises shall be made without the permission of the
172 person in charge thereof unless a warrant is first obtained from
173 the circuit court authorizing such entry or inspection ~~same~~. Any
174 application for a license or renewal made pursuant to this act
175 or the advertisement to the public for the provision of child
176 care as defined in s. 402.302 shall constitute permission for
177 any entry or inspection of the premises for which the license is

581-02943-16

20167058__

178 sought in order to facilitate verification of the information
179 submitted on or in connection with the application. In the event
180 a licensed facility refuses permission for entry or inspection
181 to the department or local licensing agency, a warrant shall be
182 obtained from the circuit court authorizing entry or inspection
183 before ~~same prior to~~ such entry or inspection. The department or
184 local licensing agency may institute disciplinary proceedings
185 pursuant to s. 402.310~~7~~ for such refusal.

186 (2) A school readiness program provider shall accord to the
187 department or the local licensing agency, whichever is
188 applicable, the privilege of inspection, including access to
189 facilities, personnel, and records, to verify compliance with s.
190 1002.88. Entry, inspection, and issuance of an inspection report
191 by the department or the local licensing agency to verify
192 compliance with s. 1002.88 is an exercise of a discretionary
193 power to enforce compliance with the laws duly enacted by a
194 governmental body.

195 (3) The department's issuance, transmittal, or publication
196 of an inspection report resulting from an inspection under this
197 section does not constitute agency action subject to chapter
198 120.

199 Section 7. Subsection (3) is added to section 402.319,
200 Florida Statutes, to read:

201 402.319 Penalties.—

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

205 Section 8. Section 409.1757, Florida Statutes, is amended
206 to read:

581-02943-16

20167058__

207 409.1757 Individuals ~~Persons~~ not required to be
208 refingerprinted or rescreened. ~~Individuals~~ Any law to the
209 ~~contrary notwithstanding, human resource personnel~~ who have been
210 fingerprinted or screened pursuant to chapters 393, 394, 397,
211 402, and this chapter, teachers who have been fingerprinted
212 pursuant to chapter 1012, and law enforcement officers who meet
213 the requirements of s. 943.13, who have not been unemployed for
214 more than 90 days thereafter, and who under the penalty of
215 perjury attest to the completion of such fingerprinting or
216 screening and to compliance with this section and the standards
217 for good moral character as contained in such provisions as ss.
218 110.1127(2)(c), 393.0655(1), 394.457(6), 397.451, 402.305(2),
219 409.175(6), and 943.13(7), are not required to be
220 refingerprinted or rescreened in order to comply with any
221 ~~caretaker~~ screening or fingerprinting requirements of this
222 chapter.

223 Section 9. Paragraph (c) is added to subsection (4) of
224 section 435.07, Florida Statutes, to read:

225 435.07 Exemptions from disqualification. ~~Unless otherwise~~
226 ~~provided by law, the provisions of this section apply to~~
227 exemptions from disqualification for disqualifying offenses
228 revealed pursuant to background screenings required under this
229 chapter, regardless of whether those disqualifying offenses are
230 listed in this chapter or other laws.

231 (4)

232 (c) Disqualification from employment under this chapter may
233 not be removed from, nor may an exemption be granted to, any
234 current or prospective personnel of a provider receiving school
235 readiness funding under part VI of chapter 1002, if such person

581-02943-16

20167058__

236 is registered as a sex offender as described in 42 U.S.C. s.
237 9858f(c)(1)(C) or has been convicted of crimes referenced in 42
238 U.S.C. s. 9858f. Such persons are disqualified from employment
239 with a school readiness provider regardless of any prior
240 exemptions from disqualification. Any person employed by a
241 school readiness provider on July 1, 2016, who has been granted
242 an exemption from disqualification must be rescreened no later
243 than August 1, 2016.

244 Section 10. Paragraph (i) of subsection (2) of section
245 1002.82, Florida Statutes, is amended, and paragraphs (s)
246 through (x) are added to that subsection, to read:

247 1002.82 Office of Early Learning; powers and duties.—

248 (2) The office shall:

249 (i) Enter into a memorandum of understanding with local
250 licensing agencies and Develop, in coordination with the Child
251 Care Services Program Office of the Department of Children and
252 Families for inspections of school readiness program providers
253 to monitor and verify compliance with s. 1002.88 and the health
254 and safety checklist adopted by the office. The provider
255 contract of a school readiness program provider that refuses
256 permission for entry or inspection shall be terminated. The, and
257 adopt a health and safety checklist may to be completed by
258 license-exempt providers that does not exceed the requirements
259 of s. 402.305 and the Child Care and Development Fund pursuant
260 to 45 C.F.R. part 98.

261 (s) Develop and implement strategies to increase the supply
262 and improve the quality of child care services for infants and
263 toddlers, children with disabilities, children who receive care
264 during nontraditional hours, children in underserved areas, and

581-02943-16

20167058__

265 children in areas that have significant concentrations of
266 poverty and unemployment.

267 (t) Establish preservice and inservice training
268 requirements that address, at a minimum, school readiness child
269 development standards, health and safety requirements, and
270 social-emotional behavior intervention models, which may include
271 positive behavior intervention and support models.

272 (u) Establish standards for emergency preparedness plans
273 for school readiness program providers.

274 (v) Establish group sizes.

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

278 (x) Establish eligibility criteria, including limitations
279 based on income and family assets, in accordance with s. 1002.87
280 and federal law.

281 Section 11. Subsections (7) and (8) of section 1002.84,
282 Florida Statutes, are amended to read:

283 1002.84 Early learning coalitions; school readiness powers
284 and duties.—Each early learning coalition shall:

285 (7) Determine child eligibility pursuant to s. 1002.87 and
286 provider eligibility pursuant to s. 1002.88. ~~At a minimum, Child~~
287 ~~eligibility must be redetermined annually. Redetermination must~~
288 ~~also be conducted twice per year for an additional 50 percent of~~
289 ~~a coalition's enrollment through a statistically valid random~~
290 ~~sampling.~~ A coalition must document the reason ~~why~~ a child is no
291 longer eligible for the school readiness program according to
292 the standard codes prescribed by the office.

293 (8) Establish a parent sliding fee scale that provides for

581-02943-16

20167058__

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

311 Section 12. Subsections (1), (4), (5), and (6) of section
312 1002.87, Florida Statutes, are amended to read:

313 1002.87 School readiness program; eligibility and
314 enrollment.—

315 (1) ~~Effective August 1, 2013, or upon reevaluation of~~
316 ~~eligibility for children currently served, whichever is later,~~
317 Each early learning coalition shall give priority for
318 participation in the school readiness program as follows:

319 (a) Priority shall be given first to a child younger than
320 13 years of age from a family that includes a parent who is
321 receiving temporary cash assistance under chapter 414 and
322 subject to the federal work requirements.

581-02943-16

20167058__

323 (b) Priority shall be given next to an at-risk child
324 younger than 9 years of age.

325 (c) Priority shall be given next to a child from birth to
326 the beginning of the school year for which the child is eligible
327 for admission to kindergarten in a public school under s.
328 1003.21(1)(a)2. who is from a working family that is
329 economically disadvantaged, and may include such child's
330 eligible siblings, beginning with the school year in which the
331 sibling is eligible for admission to kindergarten in a public
332 school under s. 1003.21(1)(a)2. until the beginning of the
333 school year in which the sibling is eligible to begin 6th grade,
334 provided that the first priority for funding an eligible sibling
335 is local revenues available to the coalition for funding direct
336 services. ~~However, a child eligible under this paragraph ceases~~
337 ~~to be eligible if his or her family income exceeds 200 percent~~
338 ~~of the federal poverty level.~~

339 (d) Priority shall be given next to a child of a parent who
340 transitions from the work program into employment as described
341 in s. 445.032 from birth to the beginning of the school year for
342 which the child is eligible for admission to kindergarten in a
343 public school under s. 1003.21(1)(a)2.

344 (e) Priority shall be given next to an at-risk child who is
345 at least 9 years of age but younger than 13 years of age. An at-
346 risk child whose sibling is enrolled in the school readiness
347 program within an eligibility priority category listed in
348 paragraphs (a)-(c) shall be given priority over other children
349 who are eligible under this paragraph.

350 (f) Priority shall be given next to a child who is younger
351 than 13 years of age from a working family that is economically

581-02943-16

20167058__

352 disadvantaged. A child who is eligible under this paragraph
353 whose sibling is enrolled in the school readiness program under
354 paragraph (c) shall be given priority over other children who
355 are eligible under this paragraph. ~~However, a child eligible~~
356 ~~under this paragraph ceases to be eligible if his or her family~~
357 ~~income exceeds 200 percent of the federal poverty level.~~

358 (g) Priority shall be given next to a child of a parent who
359 transitions from the work program into employment as described
360 in s. 445.032 who is younger than 13 years of age.

361 (h) Priority shall be given next to a child who has special
362 needs, has been determined eligible as a student with a
363 disability, has a current individual education plan with a
364 Florida school district, and is not younger than 3 years of age.
365 A special needs child eligible under this paragraph remains
366 eligible until the child is eligible for admission to
367 kindergarten in a public school under s. 1003.21(1)(a)2.

368 (i) Notwithstanding paragraphs (a)-(d), priority shall be
369 given last to a child who otherwise meets one of the eligibility
370 criteria in paragraphs (a)-(d) but who is also enrolled
371 concurrently in the federal Head Start Program and the Voluntary
372 Prekindergarten Education Program.

373 (4) The parent of a child enrolled in the school readiness
374 program must notify the coalition or its designee within 10 days
375 after any change in employment status, income, or family size or
376 failure to maintain attendance at a job training or educational
377 program in accordance with program requirements. ~~Upon~~
378 ~~notification by the parent, the child's eligibility must be~~
379 ~~reevaluated.~~

380 (5) A child whose eligibility priority category requires

581-02943-16

20167058__

381 the child to be from a working family ceases to be eligible for
382 the school readiness program if a parent with whom the child
383 resides does not reestablish employment or resume attendance at
384 a job training or educational program within 90 ~~60~~ days after
385 becoming unemployed or ceasing to attend a job training or
386 educational program.

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

394 Section 13. Paragraphs (c), (d), and (e) of subsection (1)
395 of section 1002.88, Florida Statutes, are amended to read:

396 1002.88 School readiness program provider standards;
397 eligibility to deliver the school readiness program.-

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

400 (c) Provide basic health and safety of its premises and
401 facilities and compliance with requirements for age-appropriate
402 immunizations of children enrolled in the school readiness
403 program.

404 1. For a provider that is licensed ~~child care facility, a~~
405 ~~large family child care home, or a licensed family day care~~
406 ~~home~~, compliance with s. 402.305, s. 402.3131, or s. 402.313 and
407 this subsection, as verified pursuant to s. 402.311, satisfies
408 this requirement.

409 2. For a provider that is a registered family day care home

581-02943-16

20167058__

410 or is not subject to licensure or registration by the Department
411 of Children and Families, compliance with this subsection, as
412 verified pursuant to s. 402.311, satisfies this requirement.
413 Upon such verification, the provider ~~For a public or nonpublic~~
414 ~~school, compliance with s. 402.3025 or s. 1003.22 satisfies this~~
415 ~~requirement. A faith-based child care provider, an informal~~
416 ~~child care provider, or a nonpublic school, exempt from~~
417 ~~licensure under s. 402.316 or s. 402.3025, shall annually post~~
418 ~~complete the health and safety checklist adopted by the office,~~
419 ~~post the checklist prominently on its premises in plain sight~~
420 ~~for visitors and parents,~~ and shall annually submit the
421 checklist ~~it annually~~ to its local early learning coalition.

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

425 (e) Employ child care personnel, as defined in s.
426 402.302(3), who have satisfied the screening requirements of
427 chapter 402 and fulfilled the training requirements of the
428 office ~~Provide a healthy and safe environment pursuant to s.~~
429 ~~402.305(5), (6), and (7), as applicable, and as verified~~
430 ~~pursuant to s. 402.311.~~

431 Section 14. Paragraph (b) of subsection (6) and subsection
432 (7) of section 1002.89, Florida Statutes, are amended to read:

433 1002.89 School readiness program; funding.—

434 (6) Costs shall be kept to the minimum necessary for the
435 efficient and effective administration of the school readiness
436 program with the highest priority of expenditure being direct
437 services for eligible children. However, no more than 5 percent
438 of the funds described in subsection (5) may be used for

581-02943-16

20167058__

439 administrative costs and no more than 22 percent of the funds
440 described in subsection (5) may be used in any fiscal year for
441 any combination of administrative costs, quality activities, and
442 nondirect services as follows:

443 (b) Activities to improve the quality of child care as
444 described in 45 C.F.R. s. 98.51, which must ~~shall~~ be limited to
445 the following:

446 1. Developing, establishing, expanding, operating, and
447 coordinating resource and referral programs specifically related
448 to the provision of comprehensive consumer education to parents
449 and the public to promote informed child care choices specified
450 in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~
451 ~~readiness program and parental choice.~~

452 2. Awarding grants and providing financial support to
453 school readiness program providers and their staff to assist
454 them in meeting applicable state requirements for child care
455 performance standards, implementing developmentally appropriate
456 curricula and related classroom resources that support
457 curricula, providing literacy supports, and providing continued
458 professional development and training. Any grants awarded
459 pursuant to this subparagraph shall comply with ~~the requirements~~
460 ~~of~~ ss. 215.971 and 287.058.

461 3. Providing training, ~~and~~ technical assistance, and
462 financial support to ~~for~~ school readiness program providers and
463 their ~~staff,~~ and parents on standards, child screenings, child
464 assessments, child development research and best practices,
465 developmentally appropriate curricula, character development,
466 teacher-child interactions, age-appropriate discipline
467 practices, health and safety, nutrition, first aid,

581-02943-16

20167058__

468 cardiopulmonary resuscitation, the recognition of communicable
469 diseases, and child abuse detection, ~~and~~ prevention, and
470 reporting.

471 4. Providing, from among the funds provided for the
472 activities described in subparagraphs 1.-3., adequate funding
473 for infants and toddlers as necessary to meet federal
474 requirements related to expenditures for quality activities for
475 infant and toddler care.

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

479 6. Responding to Warm-Line requests by providers and
480 ~~parents related to school readiness program children,~~ including
481 providing developmental and health screenings to school
482 readiness program children.

483 (7) Funds appropriated for the school readiness program may
484 not be expended for the purchase or improvement of land; for the
485 purchase, construction, or permanent improvement of any building
486 or facility; or for the purchase of buses. However, funds may be
487 expended for minor remodeling and upgrading of child care
488 facilities which is necessary for the administration of the
489 program and to ensure that providers meet state and local child
490 care standards, including applicable health and safety
491 requirements.

492 Section 15. This act shall take effect July 1, 2016.