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LEGISLATIVE ACTION

Senate

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House

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The Committee on Children, Families, and Elder Affairs (Burton) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 127 - 450

and insert:

to the child care facility within 3 business days from the receipt of the criminal history record check. If the department is unable to complete the screening within 3 business days, the department shall issue the current or prospective child care personnel a 45-day provisional-hire status while all required information is being requested and the department is awaiting



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11 results unless the department has reason to believe a  
12 disqualifying factor may exist. During the 45-day period, the  
13 current or prospective child care personnel must be under the  
14 direct supervision of a screened and trained staff member when  
15 in contact with children.

16 (e) Minimum training requirements for child care personnel.

17 1. Such minimum standards for training shall ensure that  
18 all child care personnel take an approved 40-clock-hour  
19 introductory course in child care, which course covers ~~at least~~  
20 the following topic areas:

21 a. State and local rules and regulations which govern child  
22 care.

23 b. Health, safety, and nutrition.

24 c. Identifying and reporting child abuse and neglect.

25 d. Child development, including typical and atypical  
26 language, cognitive, motor, social, and self-help skills  
27 development.

28 e. Observation of developmental behaviors, including using  
29 a checklist or other similar observation tools and techniques to  
30 determine the child's developmental age level.

31 f. Specialized areas, including computer technology for  
32 professional and classroom use and early literacy and language  
33 development of children from birth to 5 years of age, as  
34 determined by the department, for owner-operators and child care  
35 personnel of a child care facility.

36 g. Developmental disabilities, including autism spectrum  
37 disorder and Down syndrome, and early identification, use of  
38 available state and local resources, classroom integration, and  
39 positive behavioral supports for children with developmental



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40 disabilities.

41 h. Online training coursework, provided at no cost by the  
42 department, to meet minimum training standards for child care  
43 personnel.

44

45 Within 90 days after employment, child care personnel shall  
46 begin training to meet the training requirements. Child care  
47 personnel shall successfully complete such training within 1  
48 year after the date on which the training began, as evidenced by  
49 passage of an in-person or online a competency examination.

50 Successful completion of the 40-clock-hour introductory course  
51 shall articulate into community college credit in early  
52 childhood education, pursuant to ss. 1007.24 and 1007.25.

53 Exemption from all or a portion of the required training shall  
54 be granted to child care personnel based upon educational  
55 credentials or passage of competency examinations. Child care  
56 personnel possessing a 2-year degree or higher that includes 6  
57 college credit hours in early childhood development or child  
58 growth and development, or a child development associate  
59 credential or an equivalent state-approved child development  
60 associate credential, or a child development associate waiver  
61 certificate shall be automatically exempted from the training  
62 requirements in sub-subparagraphs b., d., and e.

63 ~~2. The introductory course in child care shall stress, to~~  
64 ~~the extent possible, an interdisciplinary approach to the study~~  
65 ~~of children.~~

66 ~~2.3.~~ The introductory course shall cover recognition and  
67 prevention of shaken baby syndrome; prevention of sudden infant  
68 death syndrome; recognition and care of infants and toddlers



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69 with developmental disabilities, including autism spectrum  
70 disorder and Down syndrome; and early childhood brain  
71 development within the topic areas identified in this paragraph.

72 ~~3.4.~~ On an annual basis in order to further their child  
73 care skills and, if appropriate, administrative skills, child  
74 care personnel who have fulfilled the requirements for the child  
75 care training shall be required to take an additional 1  
76 continuing education unit of approved inservice training, or 10  
77 clock hours of equivalent training, as determined by the  
78 department.

79 ~~4.5.~~ Child care personnel shall be required to complete 0.5  
80 continuing education unit of approved training or 5 clock hours  
81 of equivalent training, as determined by the department, in  
82 early literacy and language development of children from birth  
83 to 5 years of age one time. The year that this training is  
84 completed, it shall fulfill the 0.5 continuing education unit or  
85 5 clock hours of the annual training required in subparagraph 3.  
86 4.

87 ~~5.6.~~ Procedures for ensuring the training of qualified  
88 child care professionals to provide training of child care  
89 personnel, including onsite training, shall be included in the  
90 minimum standards. It is recommended that the state community  
91 child care coordination agencies (central agencies) be  
92 contracted by the department to coordinate such training when  
93 possible. Other district educational resources, such as  
94 community colleges and career programs, can be designated in  
95 such areas where central agencies may not exist or are  
96 determined not to have the capability to meet the coordination  
97 requirements set forth by the department.



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98           ~~6.7.~~ Training requirements do ~~shall~~ not apply to certain  
99 occasional or part-time support staff, including, but not  
100 limited to, swimming instructors, piano teachers, dance  
101 instructors, and gymnastics instructors.

102           ~~7.8.~~ The child care operator shall be required to take  
103 basic training in serving children with disabilities within 5  
104 years after employment, either as a part of the introductory  
105 training or the annual 8 hours of inservice training.

106           (f) Periodic health examinations for child care facility  
107 drivers.

108           (7) SANITATION AND SAFETY.—

109           (a) Minimum standards must ~~shall~~ include requirements for  
110 sanitary and safety conditions, first aid treatment, emergency  
111 procedures, and pediatric cardiopulmonary resuscitation. The  
112 minimum standards must ~~shall~~ require that at least one staff  
113 person trained in person in cardiopulmonary resuscitation, as  
114 evidenced by current documentation of course completion, ~~must~~ be  
115 present at all times that children are present.

116           ~~(c) Some type of communications system, such as a pocket~~  
117 ~~pager or beeper, shall be provided to a parent whose child is in~~  
118 ~~drop-in child care to ensure the immediate return of the parent~~  
119 ~~to the child, if necessary.~~

120           (9) ADMISSIONS AND RECORDKEEPING.—

121           (a) Minimum standards must ~~shall~~ include requirements for  
122 preadmission and periodic health examinations, requirements for  
123 immunizations, and requirements for maintaining emergency  
124 information and health records on all children.

125           ~~(b) During the months of August and September of each year,~~  
126 ~~each child care facility shall provide parents of children~~



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127 ~~enrolled in the facility detailed information regarding the~~  
128 ~~causes, symptoms, and transmission of the influenza virus in an~~  
129 ~~effort to educate those parents regarding the importance of~~  
130 ~~immunizing their children against influenza as recommended by~~  
131 ~~the Advisory Committee on Immunization Practices of the Centers~~  
132 ~~for Disease Control and Prevention.~~

133 ~~(c) During the months of April and September of each year,~~  
134 ~~at a minimum, each facility shall provide parents of children~~  
135 ~~enrolled in the facility information regarding the potential for~~  
136 ~~a distracted adult to fail to drop off a child at the facility~~  
137 ~~and instead leave the child in the adult's vehicle upon arrival~~  
138 ~~at the adult's destination. The child care facility shall also~~  
139 ~~give parents information about resources with suggestions to~~  
140 ~~avoid this occurrence. The department shall develop a flyer or~~  
141 ~~brochure with this information that shall be posted to the~~  
142 ~~department's website, which child care facilities may choose to~~  
143 ~~reproduce and provide to parents to satisfy the requirements of~~  
144 ~~this paragraph.~~

145 ~~(b)(d)~~ Because of the nature and duration of drop-in child  
146 care, requirements for preadmission and periodic health  
147 examinations and requirements for medically signed records of  
148 immunization required for child care facilities do ~~shall~~ not  
149 apply. A parent of a child in drop-in child care shall, however,  
150 be required to attest to the child's health condition and the  
151 type and current status of the child's immunizations.

152 ~~(c)(e)~~ Any child shall be exempt from medical or physical  
153 examination or medical or surgical treatment upon written  
154 request of the parent or guardian of such child who objects to  
155 the examination and treatment. However, the laws, rules, and



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156 regulations relating to contagious or communicable diseases and  
157 sanitary matters shall not be violated because of any exemption  
158 from or variation of the health and immunization minimum  
159 standards.

160 (13) PLAN OF ACTIVITIES.—Minimum standards shall ensure  
161 that each child care facility has and implements a written plan  
162 for the daily provision of varied activities and active and  
163 quiet play opportunities appropriate to the age of the child.  
164 ~~The written plan must include a program, to be implemented~~  
165 ~~periodically for children of an appropriate age, which will~~  
166 ~~assist the children in preventing and avoiding physical and~~  
167 ~~mental abuse.~~

168 ~~(17) SPECIALIZED CHILD CARE FACILITIES FOR THE CARE OF~~  
169 ~~MILDLY ILL CHILDREN. Minimum standards shall be developed by the~~  
170 ~~department, in conjunction with the Department of Health, for~~  
171 ~~specialized child care facilities for the care of mildly ill~~  
172 ~~children. The minimum standards shall address the following~~  
173 ~~areas: personnel requirements; staff-to-child ratios; staff~~  
174 ~~training and credentials; health and safety; physical facility~~  
175 ~~requirements, including square footage; client eligibility,~~  
176 ~~including a definition of "mildly ill children"; sanitation and~~  
177 ~~safety; admission and recordkeeping; dispensing of medication;~~  
178 ~~and a schedule of activities.~~

179 Section 3. Subsection (1) of section 402.306, Florida  
180 Statutes, is amended to read:

181 402.306 Designation of licensing agency; dissemination by  
182 the department and local licensing agency of information on  
183 child care.—

184 (1) (a) Any county whose licensing standards meet or exceed



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185 state minimum standards may:

186 1.~~(a)~~ Designate a local licensing agency to license child  
187 care facilities in the county; or

188 2.~~(b)~~ Contract with the department to delegate the  
189 administration of state minimum standards in the county to the  
190 department.

191 (b) The decision to designate a local licensing agency  
192 under subparagraph (a)1. must be annually affirmed by a majority  
193 vote of the county commission.

194 Section 4. Section 402.3115, Florida Statutes, is amended  
195 to read:

196 402.3115 Elimination of duplicative and unnecessary  
197 inspections; abbreviated inspections.-

198 (1) The Department of Children and Families and local  
199 governmental agencies that license child care facilities shall  
200 develop and implement a plan to eliminate duplicative and  
201 unnecessary inspections of child care facilities, family day  
202 care homes, and large family child care homes.

203 (2) (a) ~~In addition,~~ The department and the local  
204 governmental agencies shall develop and implement an abbreviated  
205 inspection plan for child care facilities, family day care  
206 homes, and large family child care homes that meet all of the  
207 following conditions:

208 1. Have been licensed for at least 2 consecutive years.

209 2. Have not had a ~~ne~~ Class 1 deficiency, as defined by  
210 rule, for at least 2 consecutive years.

211 3. Have not had more than three of the same ~~or~~ Class 2  
212 deficiencies, as defined by rule, for at least 2 consecutive  
213 years.





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214 4. Have received at least two full onsite renewal  
215 inspections in the most recent 2 years.

216 5. Do not have any current uncorrected violations.

217 6. Do not have any open regulatory complaints or active  
218 child protective services investigations.

219 (b) The abbreviated inspection must include those elements  
220 identified by the department and the local governmental agencies  
221 as being key indicators of whether the child care facility  
222 continues to provide quality care and programming. The  
223 department shall review and update these elements every 5 years.

224 (3) The department shall revise the plan under subsection  
225 (1) as necessary to maintain the validity and effectiveness of  
226 inspections.

227 Section 5. Section 402.316, Florida Statutes, is amended to  
228 read:

229 402.316 Exemptions.—

230 (1) The provisions of ss. 402.301-402.319, except for the  
231 requirements regarding screening of child care personnel, do  
232 ~~shall~~ not apply to a child care facility which is an integral  
233 part of church or parochial schools, or a child care facility  
234 that solely provides child care to eligible children as defined  
235 in s. 402.261(1)(c), conducting regularly scheduled classes,  
236 courses of study, or educational programs accredited by, or by a  
237 member of, an organization which publishes and requires  
238 compliance with its standards for health, safety, and  
239 sanitation. However, such facilities shall meet minimum  
240 requirements of the applicable local governing body as to  
241 health, sanitation, and safety and shall meet the screening  
242 requirements pursuant to ss. 402.305 and 402.3055. Failure by a



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243 facility to comply with such screening requirements shall result  
244 in the loss of the facility's exemption from licensure.

245 (2) The provisions of ss. 402.301-402.319 do not apply to a  
246 child care facility or family day care home if the child care  
247 facility or family day care home has a certificate issued by the  
248 United States Department of Defense or by the United States  
249 Coast Guard to provide child care and has completed background  
250 screening by the United States Department of Defense pursuant to  
251 34 U.S.C. s. 20351 and 32 C.F.R. part 86 and received a  
252 favorable suitability and fitness determination. If the child  
253 care facility or family day care home elects to serve children  
254 ineligible for care under the United States Department of  
255 Defense Instruction 6060.02, the child care facility or family  
256 day care home must be licensed under chapter 402.

257 ~~(3)(2) Any county or city with state or local child care~~  
258 ~~licensing programs in existence on July 1, 1974, will continue~~  
259 ~~to license the child care facility facilities as covered by such~~  
260 ~~programs, notwithstanding the exemption under provisions of~~  
261 ~~subsection (1) which desires to be licensed may submit an~~  
262 ~~application to the department or local licensing agency pursuant~~  
263 ~~to s. 402.308(4), until and unless the licensing agency makes a~~  
264 ~~determination to exempt them.~~

265 ~~(4)(3) The department and the local licensing agency~~  
266 ~~pursuant to s. 402.308(4) shall adopt rules to administer and~~  
267 ~~implement this section, including, but not limited to, any~~  
268 ~~assessments of previous licensure history Any child care~~  
269 ~~facility covered by the exemption provisions of subsection (1),~~  
270 ~~but desiring to be included in this act, is authorized to do so~~  
271 ~~by submitting notification to the department. Once licensed,~~



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272 ~~such facility cannot withdraw from the act and continue to~~  
273 ~~operate.~~

274

275 ===== T I T L E A M E N D M E N T =====

276 And the title is amended as follows:

277 Delete lines 27 - 36

278 and insert:

279 facilities, family day care homes, and large family  
280 child care homes; requiring the department to review  
281 and update certain elements included in such  
282 abbreviated inspections; requiring the department to  
283 revise the abbreviated inspection plan as necessary;  
284 amending s. 402.316, F.S.; providing that certain  
285 child care facilities and family day care homes are  
286 exempt from specified requirements; deleting a  
287 provision requiring a county or city with certain  
288 child care licensing programs in existence on a  
289 specified date to continue to license certain  
290 facilities under certain circumstances; authorizing  
291 certain exempt child care facilities to submit an  
292 application for licensure to the department or a local  
293 licensing agency; requiring the department and the  
294 local licensing agency to adopt rules; amending s.  
295 1002.59, F.S.; conforming a cross-