

1 A bill to be entitled
2 An act relating to child care facilities; amending s.
3 402.281, F.S.; revising the criteria for a child care
4 facility, large family child care home, or family day care
5 home to obtain and maintain a designation as a Gold Seal
6 Quality Care provider; amending s. 402.302, F.S.; revising
7 and providing definitions; providing for certain household
8 children to be included in calculations regarding the
9 capacity of licensed family day care homes and large
10 family child care homes; providing conditions for
11 supervision of household children of operators of family
12 day care homes and large family child care homes; amending
13 s. 402.318, F.S.; revising advertising requirements
14 applicable to child care facilities; providing penalties;
15 amending s. 411.01, F.S.; conforming a cross-reference;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (c) of subsection (4) of section
21 402.281, Florida Statutes, is amended to read:

22 402.281 Gold Seal Quality Care program.—

23 (4) In order to obtain and maintain a designation as a
24 Gold Seal Quality Care provider, a child care facility, large
25 family child care home, or family day care home must meet the
26 following additional criteria:

27 (c) The child care provider must not have been cited for
28 the same class III violation, as defined by rule, three or more

29 times and failed to correct the violation within 1 year after
30 the date of each citation, within the 2 years preceding its
31 application for designation as a Gold Seal Quality Care
32 provider. Commission of the same class III violation three or
33 more times and failure to correct within the required time
34 during a 2-year period may ~~shall~~ be grounds for termination of
35 the designation as a Gold Seal Quality Care provider until the
36 provider has no class III violations for a period of 1 year.

37 Section 2. Section 402.302, Florida Statutes, is amended
38 to read:

39 402.302 Definitions.—As used in this chapter, the term:

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

46 (2) "Child care facility" includes any child care center
47 or child care arrangement which provides child care for more
48 than five children unrelated to the operator and which receives
49 a payment, fee, or grant for any of the children receiving care,
50 wherever operated, and whether or not operated for profit. The
51 following are not included:

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

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

55 (c) Summer day camps;

56 (d) Bible schools normally conducted during vacation

57 periods; and

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

63 (3) "Child care personnel" means all owners, operators,
64 employees, and volunteers working in a child care facility. The
65 term does not include persons who work in a child care facility
66 after hours when children are not present or parents of children
67 in a child care facility. For purposes of screening, the term
68 includes any member, over the age of 12 years, of a child care
69 facility operator's family, or person, over the age of 12 years,
70 residing with a child care facility operator if the child care
71 facility is located in or adjacent to the home of the operator
72 or if the family member of, or person residing with, the child
73 care facility operator has any direct contact with the children
74 in the facility during its hours of operation. Members of the
75 operator's family or persons residing with the operator who are
76 between the ages of 12 years and 18 years are not required to be
77 fingerprinted but must be screened for delinquency records. For
78 purposes of screening, the term also includes persons who work
79 in child care programs that provide care for children 15 hours
80 or more each week in public or nonpublic schools, family day
81 care homes, or programs otherwise exempted under s. 402.316. The
82 term does not include public or nonpublic school personnel who
83 are providing care during regular school hours, or after hours
84 for activities related to a school's program for grades

85 kindergarten through 12. A volunteer who assists on an
86 intermittent basis for less than 10 hours per month is not
87 included in the term "personnel" for the purposes of screening
88 and training if a person who meets the screening requirement of
89 s. 402.305(2) is always present and has the volunteer in his or
90 her line of sight. Students who observe and participate in a
91 child care facility as a part of their required coursework are
92 not considered child care personnel, provided such observation
93 and participation are on an intermittent basis and a person who
94 meets the screening requirement of s. 402.305(2) is always
95 present and has the student in his or her line of sight.

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

98 (5) "Department" means the Department of Children and
99 Family Services.

100 (6) "Drop-in child care" means child care provided
101 occasionally in a child care facility in a shopping mall or
102 business establishment where a child is in care for no more than
103 a 4-hour period and the parent remains on the premises of the
104 shopping mall or business establishment at all times. Drop-in
105 child care arrangements shall meet all requirements for a child
106 care facility unless specifically exempted.

107 (7) "Evening child care" means child care provided during
108 the evening hours and may encompass the hours of 6:00 p.m. to
109 7:00 a.m. to accommodate parents who work evenings and late-
110 night shifts.

111 (8) "Family day care home" means an occupied residence in
112 which child care is regularly provided for children from at

113 least two unrelated families and which receives a payment, fee,
114 or grant for any of the children receiving care, whether or not
115 operated for profit. Household children under 13 years of age,
116 when on the premises of the family day care home or on a field
117 trip with children enrolled in child care, shall be included in
118 the overall capacity of the licensed home. A family day care
119 home shall be allowed to provide care for one of the following
120 groups of children, which shall include household ~~those~~ children
121 under 13 years of age ~~who are related to the caregiver:~~

122 (a) A maximum of four children from birth to 12 months of
123 age.

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

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

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

131 (9) "Household children" means children who are related by
132 blood, marriage, or legal adoption to, or who are the legal
133 wards of, the family day care home operator, the large family
134 child care home operator, or an adult household member who
135 permanently or temporarily resides in the home. Supervision of
136 the operator's household children shall be left to the
137 discretion of the operator unless those children receive
138 subsidized child care through the School Readiness Program
139 pursuant to s. 411.0101 to be in the home.

140 (10) "Indoor recreational facility" means an indoor

141 commercial facility which is established for the primary purpose
142 of entertaining children in a planned fitness environment
143 through equipment, games, and activities in conjunction with
144 food service and which provides child care for a particular
145 child no more than 4 hours on any one day. An indoor
146 recreational facility must be licensed as a child care facility
147 under s. 402.305, but is exempt from the minimum outdoor-square-
148 footage-per-child requirement specified in that section, if the
149 indoor recreational facility has, at a minimum, 3,000 square
150 feet of usable indoor floor space.

151 ~~(11)(9)~~ "Large family child care home" means an occupied
152 residence in which child care is regularly provided for children
153 from at least two unrelated families, which receives a payment,
154 fee, or grant for any of the children receiving care, whether or
155 not operated for profit, and which has at least two full-time
156 child care personnel on the premises during the hours of
157 operation. One of the two full-time child care personnel must be
158 the owner or occupant of the residence. A large family child
159 care home must first have operated as a licensed family day care
160 home for 2 years, with an operator who has had a child
161 development associate credential or its equivalent for 1 year,
162 before seeking licensure as a large family child care home.
163 Household children under 13 years of age, when on the premises
164 of the large family child care home or on a field trip with
165 children enrolled in child care, shall be included in the
166 overall capacity of the licensed home. A large family child care
167 home shall be allowed to provide care for one of the following
168 groups of children, which shall include household ~~those~~ children

under 13 years of age ~~who are related to the caregiver:~~

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

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

(12)~~(11)~~ "Local licensing agency" means any agency or individual designated by the county to license child care facilities.

(13)~~(12)~~ "Operator" means any onsite person ultimately responsible for the overall operation of a child care facility, whether or not he or she is the owner or administrator of such facility.

(14)~~(13)~~ "Owner" means the person who is licensed to operate the child care facility.

(15)~~(14)~~ "Screening" means the act of assessing the background of child care personnel and volunteers and includes, but is not limited to, employment history checks, 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, and federal criminal records checks through the Federal Bureau of Investigation.

(16)~~(15)~~ "Secretary" means the Secretary of Children and Family Services.

(17)~~(16)~~ "Substantial compliance" means that level of adherence which is sufficient to safeguard the health, safety, and well-being of all children under care. Substantial compliance is greater than minimal adherence but not to the

197 level of absolute adherence. Where a violation or variation is
198 identified as the type which impacts, or can be reasonably
199 expected within 90 days to impact, the health, safety, or well-
200 being of a child, there is no substantial compliance.

201 (18)~~(17)~~ "Weekend child care" means child care provided
202 between the hours of 6 p.m. on Friday and 6 a.m. on Monday.

203 Section 3. Section 402.318, Florida Statutes, is amended
204 to read:

205 402.318 Advertisement.—A No person, as defined in s.
206 1.01(3), may not shall advertise a child care facility, family
207 day care home, or large family child care home without including
208 within such advertisement the state or local agency license
209 number or registration number of such facility or home.

210 Violation of this section is a misdemeanor of the first degree,
211 punishable as provided in s. 775.082 or s. 775.083.

212 Section 4. Paragraph (c) of subsection (5) of section
213 411.01, Florida Statutes, is amended to read:

214 411.01 School readiness programs; early learning
215 coalitions.—

216 (5) CREATION OF EARLY LEARNING COALITIONS.—

217 (c) Program expectations.—

218 1. The school readiness program must meet the following
219 expectations:

220 a. The program must, at a minimum, enhance the age-
221 appropriate progress of each child in attaining the performance
222 standards and outcome measures adopted by the Agency for
223 Workforce Innovation.

224 b. The program must provide extended-day and extended-year

225 services to the maximum extent possible without compromising the
226 quality of the program to meet the needs of parents who work.

227 c. The program must provide a coordinated professional
228 development system that supports the achievement and maintenance
229 of core competencies by school readiness instructors in helping
230 children attain the performance standards and outcome measures
231 adopted by the Agency for Workforce Innovation.

232 d. There must be expanded access to community services and
233 resources for families to help achieve economic self-
234 sufficiency.

235 e. There must be a single point of entry and unified
236 waiting list. As used in this sub-subparagraph, the term "single
237 point of entry" means an integrated information system that
238 allows a parent to enroll his or her child in the school
239 readiness program at various locations throughout a county, that
240 may allow a parent to enroll his or her child by telephone or
241 through an Internet website, and that uses a unified waiting
242 list to track eligible children waiting for enrollment in the
243 school readiness program. The Agency for Workforce Innovation
244 shall establish through technology a single statewide
245 information system that each coalition must use for the purposes
246 of managing the single point of entry, tracking children's
247 progress, coordinating services among stakeholders, determining
248 eligibility, tracking child attendance, and streamlining
249 administrative processes for providers and early learning
250 coalitions.

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

253 demonstrated in part by waiting lists, before approving a
254 proposed increase in payment rates submitted by an early
255 learning coalition. In addition, early learning coalitions shall
256 use school readiness funds made available due to enrollment
257 shifts from school readiness programs to the Voluntary
258 Prekindergarten Education Program for increasing the number of
259 children served in school readiness programs before increasing
260 payment rates.

261 g. The program must meet all state licensing guidelines,
262 where applicable.

263 h. The program must ensure that minimum standards for
264 child discipline practices are age-appropriate. Such standards
265 must provide that children not be subjected to discipline that
266 is severe, humiliating, or frightening or discipline that is
267 associated with food, rest, or toileting. Spanking or any other
268 form of physical punishment is prohibited.

269 2. Each early learning coalition must implement a
270 comprehensive program of school readiness services in accordance
271 with the rules adopted by the agency which enhance the
272 cognitive, social, and physical development of children to
273 achieve the performance standards and outcome measures. At a
274 minimum, these programs must contain the following system
275 support service elements:

276 a. Developmentally appropriate curriculum designed to
277 enhance the age-appropriate progress of children in attaining
278 the performance standards adopted by the Agency for Workforce
279 Innovation under subparagraph (4)(d)8.

280 b. A character development program to develop basic

281 values.

282 c. An age-appropriate screening of each child's
283 development.

284 d. An age-appropriate assessment administered to children
285 when they enter a program and an age-appropriate assessment
286 administered to children when they leave the program.

287 e. An appropriate staff-to-children ratio, pursuant to s.
288 402.305(4) or s. 402.302(8) or (11)~~(7)~~ ~~or (8)~~, as applicable,
289 and as verified pursuant to s. 402.311.

290 f. A healthy and safe environment pursuant to s.
291 401.305(5), (6), and (7), as applicable, and as verified
292 pursuant to s. 402.311.

293 g. A resource and referral network established under s.
294 411.0101 to assist parents in making an informed choice and a
295 regional Warm-Line under s. 411.01015.

296
297 The Agency for Workforce Innovation, the Department of
298 Education, and early learning coalitions shall coordinate with
299 the Child Care Services Program Office of the Department of
300 Children and Family Services to minimize duplicating interagency
301 activities pertaining to acquiring and composing data for child
302 care training and credentialing.

303 Section 5. This act shall take effect July 1, 2011.