

Committee Substitute for  
Committee Substitute for Senate Bill No. 1510

An act relating to child care; amending s. 402.281, F.S.; providing criteria that certain child care facilities must meet in order to obtain and maintain a designation as a Gold Seal Quality Care provider; requiring the Department of Children and Family Services to adopt rules pertaining to the Gold Seal Quality Care program; amending s. 402.302, F.S.; revising the definition of the term “screening” to include volunteers; amending s. 402.310, F.S.; authorizing the department or local licensing agency to administer certain disciplinary sanctions to licensees and registrants; authorizing the department or local licensing agency to convert a license or registration to probation status for a violation of certain laws; requiring the department to adopt rules establishing the grounds for imposing disciplinary actions and creating a uniform system of procedures; amending s. 402.313, F.S.; deleting a provision that authorizes the department or local licensing agency to impose an administrative fine on family day care homes that fail to comply with licensure or registration requirements; providing that the minimum standards required for family day care homes for licensure should include health and safety standards; amending s. 402.3131, F.S.; deleting a provision that authorizes the department or local licensing agency to impose an administrative fine on large family child care homes that fail to comply with licensure requirements; transferring, renumbering, and amending s. 402.3017, F.S.; revising the provisions of the Teacher Education and Compensation Helps scholarship program; authorizing the Agency for Workforce Innovation to administer the program and adopt rules; amending s. 402.309, F.S.; authorizing the issuance of a provisional license or registration for child care to certain applicants; prohibiting a provisional license or registration from being issued under certain circumstances; authorizing the suspension or revocation of a provisional license or registration under certain circumstances; requiring the department to adopt rules; creating s. 402.317, F.S.; authorizing the provision of child care for a period longer than otherwise authorized if a parent or legal guardian works a shift of 24 hours or more; providing an effective date.

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

Section 1. Subsections (3) and (4) are added to section 402.281, Florida Statutes, to read:

402.281 Gold Seal Quality Care program.—

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

(a) The child care provider must not have had any class I violations, as defined by rule, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of a class I violation shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class I violations for a period of 2 years.

(b) The child care provider must not have had three or more class II violations, as defined by rule, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of three or more class II violations within a 2-year period shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class II violations for a period of 1 year.

(c) The child care provider must not have been cited for the same class III violation, as defined by rule, three or more times within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of the same class III violation three or more times during a 2-year period shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class III violations for a period of 1 year.

(4) The Department of Children and Family Services shall adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for reviewing and approving accrediting associations for participation in the Gold Seal Quality Care program, conferring and revoking designations of Gold Seal Quality Care providers, and classifying violations.

Section 2. Subsection (13) of section 402.302, Florida Statutes, is amended to read:

402.302 Definitions.—

(13) “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; ~~except that screening for volunteers included under the definition of personnel includes only local criminal records checks through local law enforcement agencies for current residence and residence immediately prior to employment as a volunteer, if different, and statewide criminal records correspondence checks through the Department of Law Enforcement.~~

Section 3. Section 402.310, Florida Statutes, is amended to read:

402.310 Disciplinary actions; hearings upon denial, suspension, or revocation of license or registration; administrative fines.—

(1)(a) The department or local licensing agency may administer any of the following disciplinary sanctions for a violation of any provision of ss. 402.301-402.319, or the rules adopted thereunder: deny, suspend, or revoke a license or

1. Impose an administrative fine not to exceed \$100 per violation, per day, for the violation of any provision of ss. 402.301-402.319 or rules adopted thereunder. However, if where the violation could or does cause death or serious harm, the department or local licensing agency may impose an administrative fine, not to exceed \$500 per violation per day in addition to or in lieu of any other disciplinary action imposed under this section.

2. Convert a license or registration to probation status and require the licensee or registrant to comply with the terms of probation. A probation-status license or registration may not be issued for a period that exceeds 6 months and the probation-status license or registration may not be renewed. A probation-status license or registration may be suspended or revoked if periodic inspection by the department or local licensing agency finds that the probation-status licensee or registrant is not in compliance with the terms of probation or that the probation-status licensee or registrant is not making sufficient progress toward compliance with ss. 402.301-402.319.

3. Deny, suspend, or revoke a license or registration.

(b) In determining the appropriate disciplinary action to be taken for a violation as provided in paragraph (a), the following factors shall be considered:

1. The severity of the violation, including the probability that death or serious harm to the health or safety of any person will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of ss. 402.301-402.319 have been violated.

2. Actions taken by the licensee or registrant to correct the violation or to remedy complaints.

3. Any previous violations of the licensee or registrant.

(c) The department shall adopt rules to:

1. Establish the grounds under which the department may deny, suspend, or revoke a license or registration or place a licensee or registrant on probation status for violations of ss. 402.301-402.319.

2. Establish a uniform system of procedures to impose disciplinary sanctions for violations of ss. 402.301-402.319. The uniform system of procedures must provide for the consistent application of disciplinary actions across districts and a progressively increasing level of penalties from predisciplinary actions, such as efforts to assist licensees or registrants to correct the statutory or regulatory violations, and to severe disciplinary sanctions for actions that jeopardize the health and safety of children, such as for the deliberate misuse of medications. The department shall implement this subparagraph on January 1, 2007, and the implementation is not contingent upon a specific appropriation.

(d) The disciplinary sanctions set forth in this section apply to licensed child care facilities, licensed large family child care homes, and licensed or registered family day care homes.

(2) When the department has reasonable cause to believe that grounds exist for the denial, suspension, or revocation of a license or registration; the conversion of a license or registration to probation status; or the imposition of an administrative fine exist, it shall determine the matter in accordance with procedures prescribed in chapter 120. When the local licensing agency has reasonable cause to believe that grounds exist for the denial, suspension, or revocation of a license or registration; the conversion of a license or registration to probation status; or the imposition of an administrative fine exist, it shall notify the applicant, registrant, or licensee in writing, stating the grounds upon which the license or registration is being denied, suspended, or revoked or an administrative fine is being imposed. If the applicant, registrant, or licensee makes no written request for a hearing to the local licensing agency within 15 days after from receipt of the such notice, the license shall be deemed denied, suspended, or revoked; the license or registration shall be converted to probation status; or an administrative fine shall be imposed.

(3) If a request for a hearing is made to the local licensing agency, a hearing shall be held within 30 days and shall be conducted by an individual designated by the county commission.

(4) An applicant, registrant, or licensee shall have the right to appeal a decision of the local licensing agency to a representative of the department. Any required hearing shall be held in the county in which the child care facility, family day care home, or large family child care home is being operated or is to be established. The hearing shall be conducted in accordance with the provisions of chapter 120.

Section 4. Paragraphs (b), (c), and (d) of subsection (1) and subsection (13) of section 402.313, Florida Statutes, are amended to read:

#### 402.313 Family day care homes.—

(1) Family day care homes shall be licensed under this act if they are presently being licensed under an existing county licensing ordinance, if they are participating in the subsidized child care program, or if the board of county commissioners passes a resolution that family day care homes be licensed. If no county authority exists for the licensing of a family day care home, the department shall have the authority to license family day care homes under contract for the purchase-of-service system in the subsidized child care program.

~~(b) The department or local licensing agency may impose an administrative fine, not to exceed \$100, for failure to comply with licensure or registration requirements.~~

~~(b)(e)~~ A family day care home not participating in the subsidized child care program may volunteer to be licensed under the provisions of this act.

~~(c)(d)~~ The department may provide technical assistance to counties and family day care home providers to enable counties and family day care providers to achieve compliance with family day care homes standards.

(13) The department shall, by rule, establish minimum standards for family day care homes that are required to be licensed by county licensing ordinance or county licensing resolution or that voluntarily choose to be licensed. The standards should include requirements for staffing, training, maintenance of immunization records, minimum health and safety standards, reduced standards for the regulation of child care during evening hours by municipalities and counties, and enforcement of standards.

Section 5. Subsection (1) of section 402.3131, Florida Statutes, is amended to read:

402.3131 Large family child care homes.—

(1) Large family child care homes shall be licensed under this section.

~~(a) The department or local licensing agency may impose an administrative fine, not to exceed \$1,000, for failure to comply with licensure requirements.~~

~~(a)~~<sup>(b)</sup> A licensed family day care home must first have operated for a minimum of 2 consecutive years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home.

~~(b)~~<sup>(e)</sup> The department may provide technical assistance to counties and family day care home providers to enable the counties and providers to achieve compliance with minimum standards for large family child care homes.

Section 6. Section 402.3017, Florida Statutes, is renumbered as section 411.0103, Florida Statutes, and amended to read:

411.0103 ~~402.3017~~ Teacher Education and Compensation Helps (TEACH) scholarship program.—

(1) The Legislature finds that the level of early child care teacher education and training is a key predictor for determining program quality. The Legislature also finds that low wages for child care workers prevent many from obtaining increased training and education and contribute to high turnover rates. The Legislature therefore intends to help fund a program which links teacher training and education to compensation and commitment to the field of early childhood education.

(2) ~~The Agency for Workforce Innovation may Department of Children and Family Services is authorized to contract for the administration of the~~ Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes.

(3) The ~~agency department~~ shall adopt rules under ss. 120.536(1) and 120.54 as necessary to administer ~~implement~~ this section.

(4) ~~For the 2005-2006 fiscal year only, the Agency for Workforce Innovation shall administer this section. This subsection expires July 1, 2006.~~

Section 7. Section 402.309, Florida Statutes, is amended to read:

402.309 Provisional license or registration.—

(1) The local licensing agency or the department, whichever is authorized to license child care facilities in a county, may issue a provisional license for child care facilities, family day care homes, or large family child care homes, or a provisional registration for family day care homes to applicants for an initial a license or registration or to licensees or registrants seeking a renewal who are unable to meet ~~conform to~~ all the standards provided for in ss. 402.301-402.319.

(2) ~~A~~ ~~No~~ provisional license or registration may not be issued unless the operator or owner makes adequate provisions for the health and safety of the child. A provisional license may be issued for a child care facility if all of the screening materials have been timely submitted;~~;~~ ~~however,~~ A provisional license or registration may not be issued unless the child care facility, family day care home, or large family child care home is in compliance with the requirements for screening of child care personnel in ss. 402.305, ~~and~~ 402.3055, 402.313, and 402.3131, respectively.

(3) The provisional license or registration ~~may not~~ ~~shall in no event~~ be issued for a period that exceeds in excess of 6 months; however, it may be renewed one time for a period that may not exceed in excess of 6 months under unusual circumstances beyond the control of the applicant.

(4) The provisional license or registration may be suspended or revoked if periodic inspection or review ~~made~~ by the local licensing agency or the department indicates that insufficient progress has been made toward compliance.

(5) The department shall adopt rules specifying the conditions and procedures under which a provisional license or registration may be issued, suspended, or revoked.

Section 8. Section 402.317, Florida Statutes, is created to read:

402.317 Prolonged child care.—Notwithstanding the time restriction specified in s. 402.302(1), child care may be provided for 24 hours or longer for a child whose parent or legal guardian works a shift of 24 hours or more. The requirement that a parent or legal guardian work a shift of 24 hours or more must be certified in writing by the employer, and the written certification shall be maintained in the facility by the child care provider and made available to the licensing agency. The time that a child remains in child care, however, may not exceed 72 consecutive hours in any 7-day period. During a declared state of emergency, the child care licensing agency may temporarily waive the time limitations provided in this section.

Section 9. This act shall take effect July 1, 2006.

Approved by the Governor June 7, 2006.

Filed in Office Secretary of State June 7, 2006.