

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;

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

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:<sup>7</sup>

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

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 (w) 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 and staff-to-children ratios for  
 270 school readiness program providers.

271 (w) Establish eligibility criteria, including limitations  
 272 based on income and family assets, in accordance with s. 1002.87  
 273 and federal law.

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

276 1002.84 Early learning coalitions; school readiness powers  
 277 and duties.—Each early learning coalition shall:

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

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

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

304 Section 10. Subsections (4), (5), and (6) of section  
 305 1002.87, Florida Statutes, are amended to read:

306 1002.87 School readiness program; eligibility and  
 307 enrollment.—

308 (4) The parent of a child enrolled in the school readiness  
 309 program must notify the coalition or its designee within 10 days  
 310 after any change in employment status, income, or family size or  
 311 failure to maintain attendance at a job training or educational  
 312 program in accordance with program requirements. ~~Upon~~

PCB EDC 16-02

Original

2016

313 ~~notification by the parent, the child's eligibility must be~~  
314 ~~reevaluated.~~

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

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

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

331 1002.88 School readiness program provider standards;  
332 eligibility to deliver the school readiness program.—

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

335 (c) Provide basic health and safety of its premises and  
336 facilities and compliance with requirements for age-appropriate  
337 immunizations of children enrolled in the school readiness  
338 program.

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

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

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

361 (e) Employ child care personnel, as defined in s.  
 362 402.302(3), who have satisfied the screening requirements of  
 363 chapter 402 and fulfilled the training requirements of the  
 364 office ~~Provide a healthy and safe environment pursuant to s.~~

365 ~~402.305(5), (6), and (7), as applicable, and as verified~~  
 366 ~~pursuant to s. 402.311.~~

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

369 1002.89 School readiness program; funding.—

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

379 (a) Administrative costs as described in 45 C.F.R. s.  
 380 98.52, which shall include monitoring providers using the  
 381 standard methodology adopted under s. 1002.82 to improve  
 382 compliance with state and federal regulations and law pursuant  
 383 to the requirements of the statewide provider contract adopted  
 384 under s. 1002.82(2)(m).

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

388 1. Developing, establishing, expanding, operating, and  
 389 coordinating resource and referral programs specifically related  
 390 to the provision of comprehensive consumer education to parents

391 and the public to promote informed child care choices specified  
392 in 45 C.F.R. s. 98.33 ~~regarding participation in the school~~  
393 ~~readiness program and parental choice.~~

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

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

413 4. Providing, from among the funds provided for the  
414 activities described in subparagraphs 1.-3., adequate funding  
415 for infants and toddlers as necessary to meet federal  
416 requirements related to expenditures for quality activities for

417 infant and toddler care.

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

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

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

- 430 1. Assisting families to complete the required application  
 431 and eligibility documentation.
- 432 2. Determining child and family eligibility.
- 433 3. Recruiting eligible child care providers.
- 434 4. Processing and tracking attendance records.
- 435 5. Developing and maintaining a statewide child care  
 436 information system.

437  
 438 As used in this paragraph, the term "nondirect services" does  
 439 not include payments to school readiness program providers for  
 440 direct services provided to children who are eligible under s.  
 441 1002.87, administrative costs as described in paragraph (a), or  
 442 quality activities as described in paragraph (b).

PCB EDC 16-02

Original

2016

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

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