

1 A bill to be entitled
2 An act relating to human services personnel; providing a
3 short title; amending s. 402.305, F.S.; requiring the
4 owner or operator of a child care facility to report
5 background screening results to the Department of Children
6 and Family Services before employing a person at the child
7 care facility; prohibiting the hiring of a person with a
8 disqualifying offense without being granted an exemption;
9 prohibiting the department from granting an exemption from
10 disqualification from employment to work with children or
11 the developmentally disabled under certain circumstances;
12 amending s. 402.40, F.S.; providing and revising
13 definitions; requiring child welfare services staff to
14 obtain child welfare certification; requiring the
15 Department of Children and Family Services to designate a
16 credentialing entity to administer the certification
17 process; requiring the department to develop minimum
18 trainer qualifications; amending s. 429.14, F.S., relating
19 to administrative penalties; prohibiting the Agency for
20 Health Care Administration from granting an exemption from
21 disqualification from employment in an assisted living
22 facility under certain circumstances; amending s. 429.174,
23 F.S.; requiring the owner or administrator of an assisted
24 living facility to report background screening results to
25 the agency before employing a person at the assisted
26 living facility; prohibiting the hiring of a person with a
27 disqualifying offense without being granted an exemption;
28 prohibiting the agency from granting an exemption from

29 | disqualification from employment under certain
30 | circumstances; amending s. 435.05, F.S.; revising employer
31 | reporting requirements relating to background screening
32 | for applicants for employment in a child care facility or
33 | an assisted living facility; requiring the owner or
34 | administrator of a child care facility or an assisted
35 | living facility to report background screening results to
36 | the licensing agency; prohibiting the hiring of a person
37 | with a disqualifying offense without being granted an
38 | exemption; prohibiting the agency from granting an
39 | exemption from disqualification from employment under
40 | certain circumstances; amending s. 435.07, F.S.;
41 | increasing the waiting period for requesting an exemption
42 | from disqualification for certain employees; authorizing
43 | licensing agencies to retain employee fingerprints under
44 | certain circumstances; requiring licensing agencies to
45 | review exemptions from disqualification periodically;
46 | providing conditions for the revocation of an employee's
47 | exemption from disqualification; authorizing licensing
48 | agencies to adopt rules relating to exemptions from
49 | disqualification; amending ss. 402.30501, 411.01, 1002.55,
50 | 1002.57, and 1002.59, F.S.; conforming cross-references;
51 | reenacting s. 402.302(3), F.S., relating to the definition
52 | of "child care personnel"; reenacting s. 402.3055(2)(b),
53 | (d), and (g), F.S., relating to child care personnel
54 | requirements; reenacting s. 402.3057, F.S., relating to
55 | persons not required to be refingerprinted or rescreened;
56 | reenacting s. 402.308(3)(d) and (4)(d), F.S., relating to

57 issuance or renewal of a child care facility license;
 58 reenacting s. 402.313(3), F.S., relating to child care
 59 personnel in family day care homes; reenacting s.
 60 402.3131(2), F.S., relating to child care personnel in
 61 large family child care homes; reenacting s. 409.1757,
 62 F.S., relating to persons not required to be
 63 refingerprinted or rescreened; providing an effective
 64 date.

65

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

67

68 Section 1. This act may be cited as the "Protecting
 69 Florida's Most Vulnerable Citizens Act."

70 Section 2. Subsection (2) of section 402.305, Florida
 71 Statutes, is amended to read:

72 402.305 Licensing standards; child care facilities.--

73 (2) PERSONNEL.--Minimum standards for child care personnel
 74 shall include minimum requirements as to:

75 (a) Good moral character based upon screening.

76 1. This screening shall be conducted as provided in
 77 chapter 435, using the level 2 standards for screening set forth
 78 in that chapter. The owner or operator of a child care facility
 79 must report the results of the screening to the department
 80 before a person may be employed at the child care facility. If
 81 the results of the screening show any disqualifying offense as
 82 set forth in chapter 435, the owner or operator of a child care
 83 facility may not hire that person until such time as an
 84 exemption is applied for and granted by the licensing agency.

85 ~~2.(b)~~ The department may grant exemptions from
 86 disqualification from working with children or the
 87 developmentally disabled as provided in s. 435.07; however, the
 88 department may not grant an exemption if the person has a record
 89 of a felony or misdemeanor conviction for an offense of a
 90 violent or sexual nature against a child or a vulnerable adult.

91 ~~(b)(e)~~ Minimum age requirements. Such minimum standards
 92 shall prohibit a person under the age of 21 from being the
 93 operator of a child care facility and a person under the age of
 94 16 from being employed at such facility unless such person is
 95 under direct supervision and is not counted for the purposes of
 96 computing the personnel-to-child ratio.

97 ~~(c)(d)~~ Minimum training requirements for child care
 98 personnel.

99 1. Such minimum standards for training shall ensure that
 100 all child care personnel take an approved 40-clock-hour
 101 introductory course in child care, which course covers at least
 102 the following topic areas:

103 a. State and local rules and regulations which govern
 104 child care.

105 b. Health, safety, and nutrition.

106 c. Identifying and reporting child abuse and neglect.

107 d. Child development, including typical and atypical
 108 language, cognitive, motor, social, and self-help skills
 109 development.

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

113 f. Specialized areas, including computer technology for
114 professional and classroom use and early literacy and language
115 development of children from birth to 5 years of age, as
116 determined by the department, for owner-operators and child care
117 personnel of a child care facility.

118
119 Within 90 days after employment, child care personnel shall
120 begin training to meet the training requirements. Child care
121 personnel shall successfully complete such training within 1
122 year after the date on which the training began, as evidenced by
123 passage of a competency examination. Successful completion of
124 the 40-clock-hour introductory course shall articulate into
125 community college credit in early childhood education, pursuant
126 to ss. 1007.24 and 1007.25. Exemption from all or a portion of
127 the required training shall be granted to child care personnel
128 based upon educational credentials or passage of competency
129 examinations. Child care personnel possessing a 2-year degree or
130 higher that includes 6 college credit hours in early childhood
131 development or child growth and development, or a child
132 development associate credential or an equivalent state-approved
133 child development associate credential, or a child development
134 associate waiver certificate shall be automatically exempted
135 from the training requirements in sub-subparagraphs b., d., and
136 e.

137 2. The introductory course in child care shall stress, to
138 the extent possible, an interdisciplinary approach to the study
139 of children.

140 3. The introductory course shall cover recognition and
141 prevention of shaken baby syndrome, prevention of sudden infant
142 death syndrome, and early childhood brain development within the
143 topic areas identified in this paragraph.

144 4. On an annual basis in order to further their child care
145 skills and, if appropriate, administrative skills, child care
146 personnel who have fulfilled the requirements for the child care
147 training shall be required to take an additional 1 continuing
148 education unit of approved inservice training, or 10 clock hours
149 of equivalent training, as determined by the department.

150 5. Child care personnel shall be required to complete 0.5
151 continuing education unit of approved training or 5 clock hours
152 of equivalent training, as determined by the department, in
153 early literacy and language development of children from birth
154 to 5 years of age one time. The year that this training is
155 completed, it shall fulfill the 0.5 continuing education unit or
156 5 clock hours of the annual training required in subparagraph 4.

157 6. Procedures for ensuring the training of qualified child
158 care professionals to provide training of child care personnel,
159 including onsite training, shall be included in the minimum
160 standards. It is recommended that the state community child care
161 coordination agencies (central agencies) be contracted by the
162 department to coordinate such training when possible. Other
163 district educational resources, such as community colleges and
164 career programs, can be designated in such areas where central
165 agencies may not exist or are determined not to have the
166 capability to meet the coordination requirements set forth by
167 the department.

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168 7. Training requirements shall not apply to certain
169 occasional or part-time support staff, including, but not
170 limited to, swimming instructors, piano teachers, dance
171 instructors, and gymnastics instructors.

172 8. The department shall evaluate or contract for an
173 evaluation for the general purpose of determining the status of
174 and means to improve staff training requirements and testing
175 procedures. The evaluation shall be conducted every 2 years. The
176 evaluation shall include, but not be limited to, determining the
177 availability, quality, scope, and sources of current staff
178 training; determining the need for specialty training; and
179 determining ways to increase inservice training and ways to
180 increase the accessibility, quality, and cost-effectiveness of
181 current and proposed staff training. The evaluation methodology
182 shall include a reliable and valid survey of child care
183 personnel.

184 9. The child care operator shall be required to take basic
185 training in serving children with disabilities within 5 years
186 after employment, either as a part of the introductory training
187 or the annual 8 hours of inservice training.

188 (d)~~(e)~~ Periodic health examinations.

189 (e)~~(f)~~ By January 1, 2000, a credential for child care
190 facility directors. By January 1, 2004, the credential shall be
191 a required minimum standard for licensing.

192 Section 3. Section 402.40, Florida Statutes, is amended to
193 read:

194 402.40 Child welfare training and certification.--

195 (1) LEGISLATIVE INTENT.--In order to ~~enable the state to~~

196 provide a systematic approach to staff development and training
 197 for persons providing child welfare services which meets ~~that~~
 198 ~~will meet~~ the needs of such staff in the ~~their~~ discharge of
 199 their duties, it is the intent of the Legislature that the
 200 Department of Children and Family Services establish, maintain,
 201 and oversee the operation of child welfare training academies in
 202 the state. The Legislature further intends that ~~the~~ staff
 203 development and training programs ~~that are established will~~ aid
 204 in the reduction of poor staff morale and ~~of~~ staff turnover,
 205 ~~will~~ positively impact ~~on~~ the quality of decisions made
 206 regarding children and families who require assistance from
 207 programs providing child welfare services, and ~~will~~ afford a
 208 better quality of care for ~~of~~ children who are ~~must be~~ removed
 209 from their families.

210 (2) DEFINITIONS.--As used in this section, the term:

211 (a) "Child welfare certification" means a professional
 212 credential awarded by the department, or by a credentialing
 213 entity designated by the department, to individuals
 214 demonstrating core competency in any child welfare services
 215 practice area.

216 (b) (a) "Child welfare services" means any intake,
 217 protective investigations, ~~preprotective services,~~ protective
 218 services, foster care, shelter and group care, and adoption and
 219 related services program, including supportive services,
 220 supervision, and legal services, provided to children who are
 221 alleged to have been abused, abandoned, or neglected, or who are
 222 at risk of becoming, are alleged to be, or have been found
 223 dependent pursuant to chapter 39.

224 (c) "Core competency" means having the knowledge, skills,
 225 and abilities necessary to perform child welfare services.

226 ~~(d)-(b)~~ "Person providing child welfare services" means a
 227 person who has a responsibility for supervisory, legal, direct
 228 care, or support-related ~~support-related~~ work in the provision
 229 of child welfare services pursuant to chapter 39.

230 (3) CHILD WELFARE TRAINING PROGRAM.--The department shall
 231 establish a child welfare training program ~~for training~~ pursuant
 232 to ~~the provisions of~~ this section, and all persons providing
 233 child welfare services in this state must demonstrate core
 234 competency by earning and maintaining child welfare
 235 certification ~~shall be required to participate in and~~
 236 ~~successfully complete the program of training~~ pertinent to their
 237 areas of responsibility.

238 (4) CHILD WELFARE TRAINING TRUST FUND.--

239 (a) There is created within the State Treasury a Child
 240 Welfare Training Trust Fund to be used by the department ~~of~~
 241 ~~Children and Family Services~~ for the purpose of funding a
 242 comprehensive system of child welfare training, including the
 243 securing of consultants to develop the system and the developing
 244 of child welfare training academies for ~~that include the~~
 245 ~~participation of~~ persons providing child welfare services.

246 (b) One dollar from every noncriminal traffic infraction
 247 collected pursuant to s. 318.14(10) (b) or s. 318.18 shall be
 248 deposited into the Child Welfare Training Trust Fund.

249 (c) In addition to the funds generated by paragraph (b),
 250 the trust fund shall receive funds generated from an additional
 251 fee on birth certificates and dissolution of marriage filings,

252 as specified in ss. 382.0255 and 28.101, respectively, and may
 253 receive funds from any other public or private source.

254 (d) Funds that are not expended by the end of the budget
 255 cycle or through a supplemental budget approved by the
 256 department shall revert to the trust fund.

257 (5) CORE COMPETENCIES.--

258 (a) The department ~~of Children and Family Services~~ shall
 259 establish the core competencies for a single integrated
 260 curriculum that ensures that each person delivering child
 261 welfare services obtains the knowledge, skills, and abilities to
 262 competently carry out his or her work responsibilities. The ~~This~~
 263 curriculum may be a compilation of different development efforts
 264 based on specific subsets of core competencies that are
 265 integrated for a comprehensive curriculum required in the
 266 provision of child welfare services in this state.

267 (b) The identification of these core competencies shall be
 268 a collaborative effort by ~~to include~~ professionals who have ~~with~~
 269 expertise in child welfare services and providers that will be
 270 affected by the curriculum, including ~~to include~~, but not be
 271 limited to, representatives from the community-based care lead
 272 agencies, sheriffs' offices conducting child protection
 273 investigations, and child welfare legal services providers.

274 (c) Notwithstanding s. 287.057(5) and (22), the department
 275 shall competitively solicit and contract for the development,
 276 validation, and periodic evaluation of the training curricula
 277 for the established single integrated curriculum. No more than
 278 one training curriculum may be developed for each specific
 279 subset of the core competencies.

280 (6) ADVANCED TRAINING.--The department ~~of Children and~~
 281 ~~Family Services~~ shall annually review ~~examine~~ the advanced
 282 training that is needed by persons who deliver child welfare
 283 services in the state. This review must consider ~~examination~~
 284 ~~shall address~~ whether the current advanced training ~~provided~~
 285 should be continued and ~~shall~~ include the development of plans
 286 for incorporating any revisions to the advanced training which
 287 are determined necessary. ~~The review must~~ ~~This examination shall~~
 288 be conducted in collaboration with professionals who have ~~with~~
 289 expertise in child welfare services and providers that will be
 290 affected by the curriculum, including ~~to include~~, but not be
 291 limited to, representatives from the community-based care lead
 292 agencies, sheriffs' offices conducting child protection
 293 investigations, and child welfare legal services providers.

294 (7) CERTIFICATION ~~AND TRAINER QUALIFICATIONS~~.--

295 (a) The department shall designate a credentialing entity
 296 to administer a statewide child welfare certification process
 297 for child welfare services staff.

298 (b) The department shall, in collaboration with the
 299 professionals and providers described in subsection (5) and the
 300 designated credentialing entity, develop minimum standards for a
 301 certification process that ensures that participants have
 302 successfully attained the knowledge, skills, and abilities
 303 necessary to competently carry out their work responsibilities
 304 ~~and shall develop minimum standards for trainer qualifications~~
 305 ~~which must be required of training academies in the offering of~~
 306 ~~the training curricula.~~

307 (c) Any person providing child welfare services must ~~shall~~

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308 ~~be required to~~ master the core competencies ~~components of the~~
 309 ~~curriculum~~ that are particular to that person's work
 310 responsibilities as demonstrated by obtaining child welfare
 311 certification.

312 (8) ESTABLISHMENT OF TRAINING ACADEMIES AND TRAINER
 313 QUALIFICATIONS.--The department shall establish child welfare
 314 training academies and develop minimum trainer qualifications
 315 for trainers at academies offering the curricula described in
 316 subsection (5) as part of a comprehensive system of child
 317 welfare training. In establishing a ~~program of training~~ program,
 318 the department may contract for the operation of one or more
 319 training academies to perform one or more of the following: ~~to~~
 320 offer one or more of the training curricula developed under
 321 subsection (5); ~~to administer the certification process; to~~
 322 develop, validate, and periodically evaluate additional training
 323 curricula determined to be necessary, including advanced
 324 training that is specific to a region or contractor, or that
 325 meets a particular training need; or ~~to~~ offer ~~the~~ additional
 326 training curricula. The number, location, and timeframe for the
 327 establishment of training academies shall be approved by the
 328 Secretary of Children and Family Services, who shall ensure that
 329 the goals for the core competencies and the single integrated
 330 curriculum, the child welfare certification process, the trainer
 331 qualifications, and the additional training needs are addressed.
 332 Notwithstanding s. 287.057(5) and (22), the department shall
 333 competitively solicit all training academy contracts.

334 (9) MODIFICATION OF CHILD WELFARE TRAINING.--The core
 335 competencies determined pursuant to subsection (5), the minimum

336 standards for the child welfare certification process, and the
 337 minimum standards for trainer qualifications established
 338 pursuant to subsection (8) ~~(7)~~, must be submitted to the
 339 appropriate substantive committees of the Senate and the House
 340 of Representatives before competitively soliciting ~~either~~ the
 341 development, validation, or periodic evaluation of the training
 342 curricula or the training academy contracts.

343 (10) ADOPTION OF RULES.--The department ~~of Children and~~
 344 ~~Family Services~~ shall adopt rules necessary to administer ~~carry~~
 345 ~~out the provisions of~~ this section.

346 Section 4. Paragraph (g) of subsection (1) of section
 347 429.14, Florida Statutes, is amended to read:

348 429.14 Administrative penalties.--

349 (1) In addition to the requirements of part II of chapter
 350 408, the agency may deny, revoke, and suspend any license issued
 351 under this part and impose an administrative fine in the manner
 352 provided in chapter 120 against a licensee of an assisted living
 353 facility for a violation of any provision of this part, part II
 354 of chapter 408, or applicable rules, or for any of the following
 355 actions by a licensee of an assisted living facility, for the
 356 actions of any person subject to level 2 background screening
 357 under s. 408.809, or for the actions of any facility employee:

358 (g) A determination that an employee, volunteer,
 359 administrator, or owner, or person who otherwise has access to
 360 the residents of a facility does not meet the criteria specified
 361 in s. 435.03(2), and the owner or administrator has not taken
 362 action to remove the person. Exemptions from disqualification
 363 may be granted as set forth in s. 435.07. However, the agency

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364 may not grant an exemption if the person has a record of a
365 felony or misdemeanor conviction for an offense of a violent or
366 sexual nature against a child or a vulnerable adult. If the
367 results of the screening show any disqualifying offense as set
368 forth in chapter 435, the facility may not hire that person
369 until the person has applied for an exemption from
370 disqualification and has been granted an exemption by the
371 licensing agency. No administrative action may be taken against
372 the facility if the person is granted an exemption.

373 Section 5. Section 429.174, Florida Statutes, is amended
374 to read:

375 429.174 Background screening; exemptions.--The owner or
376 administrator of an assisted living facility must conduct level
377 1 background screening, as set forth in chapter 435, on all
378 employees hired on or after October 1, 1998, who perform
379 personal services as defined in s. 429.02(16). The owner or
380 administrator of an assisted living facility must report the
381 results of the screening to the licensing agency before a person
382 may be employed at the assisted living facility. If the results
383 of the screening show any disqualifying offense as set forth in
384 chapter 435, the facility may not hire that person until the
385 person has applied for an exemption from disqualification and
386 has been granted an exemption by the agency. The agency may
387 exempt a person ~~an individual~~ from employment disqualification
388 as set forth in chapter 435; however, the agency may not grant
389 an exemption if the person has a record of a felony or
390 misdemeanor conviction for an offense of a violent or sexual
391 nature against a child or a vulnerable adult. Except as

392 otherwise provided in this section, a person ~~Such persons~~ shall
 393 be considered as having met the ~~this~~ requirement for an
 394 exemption if:

395 (1) Proof of compliance with level 1 screening
 396 requirements obtained to meet any professional license
 397 requirements in this state is provided and accompanied, under
 398 penalty of perjury, by a copy of the person's current
 399 professional license and an affidavit of current compliance with
 400 the background screening requirements.

401 (2) The person required to be screened has been
 402 continuously employed in the same type of occupation for which
 403 the person is seeking employment without a breach in service
 404 which exceeds 180 days, and proof of compliance with the level 1
 405 screening requirement which is no more than 2 years old is
 406 provided. Proof of compliance shall be provided directly from
 407 one employer or contractor to another, and not from the person
 408 screened. Upon request, a copy of screening results shall be
 409 provided by the employer retaining documentation of the
 410 screening to the person screened.

411 (3) The person required to be screened is employed by a
 412 corporation or business entity or related corporation or
 413 business entity that owns, operates, or manages more than one
 414 facility or agency licensed under this chapter, and for whom a
 415 level 1 screening was conducted by the corporation or business
 416 entity as a condition of initial or continued employment.

417 Section 6. Paragraphs (a) and (c) of subsection (1) and
 418 subsection (3) of section 435.05, Florida Statutes, are amended
 419 to read:

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420 435.05 Requirements for covered employees.--Except as
421 otherwise provided by law, the following requirements shall
422 apply to covered employees:

423 (1) (a) Every person employed in a position for which
424 employment screening is required must, within 5 working days
425 after starting to work, submit to the employer a complete set of
426 information necessary to conduct a screening under this section.
427 The owner or administrator of a child care facility or an
428 assisted living facility must report the results of the
429 screening to the licensing agency before a person may be
430 employed at the facility. If the results of the screening show
431 any disqualifying offense as set forth in this chapter, the
432 facility may not hire that person until the person has applied
433 for an exemption from disqualification and has been granted an
434 exemption by the licensing agency.

435 (c) For level 2 screening, the employer or licensing
436 agency must submit the information necessary for screening to
437 the Florida Department of Law Enforcement within 5 working days
438 after receiving it. The Florida Department of Law Enforcement
439 will conduct a search of its criminal and juvenile records and
440 will request that the Federal Bureau of Investigation conduct a
441 search of its records for each employee for whom the request is
442 made. The Florida Department of Law Enforcement will respond to
443 the employer or licensing agency, and the employer or licensing
444 agency will inform the employee whether screening has revealed
445 disqualifying information. The owner or administrator of a child
446 care facility or an assisted living facility must report the
447 results of the screening to the agency before a person may be

448 employed at the facility. If the results of the screening show
 449 any disqualifying offense as set forth in this chapter, the
 450 facility may not hire that person until the person has applied
 451 for an exemption from disqualification and has been granted an
 452 exemption by the licensing agency.

453 (3) Each employer required to conduct level 2 background
 454 screening must sign an affidavit annually or at the time of
 455 license renewal, under penalty of perjury, stating that all
 456 covered employees have been screened or are newly hired and are
 457 awaiting the results of the required screening checks, except
 458 that the employer must report the results of the screening to
 459 the licensing agency before a person may be employed at a child
 460 care facility or an assisted living facility. If the results of
 461 the screening show any disqualifying offense as set forth in
 462 this chapter, the facility may not hire that person until the
 463 person has applied for an exemption from disqualification and
 464 has been granted an exemption by the licensing agency.

465 Section 7. Section 435.07, Florida Statutes, is amended to
 466 read:

467 435.07 Exemptions from disqualification.--Unless otherwise
 468 provided by law, the provisions of this section shall apply to
 469 exemptions from disqualification.

470 (1) For any employee otherwise disqualified from
 471 employment, the appropriate licensing agency may grant, deny, or
 472 revoke a general, limited, or conditional ~~to any employee~~
 473 ~~otherwise disqualified from employment~~ an exemption from
 474 disqualification for:

475 (a) Felonies committed more than 5 ~~3~~ years prior to the
 476 date of disqualification for which the employee or applicant was
 477 adjudicated and has completed the terms and conditions of the
 478 sentence imposed;

479 (b) Misdemeanors prohibited under any of the Florida
 480 Statutes cited in this chapter or under similar statutes of
 481 other jurisdictions;

482 (c) Offenses that were felonies when committed but are now
 483 misdemeanors;

484 (d) Findings of delinquency; or

485 (e) Commissions of acts of domestic violence as defined in
 486 s. 741.30.

487
 488 For the purposes of this subsection, the term "felonies" means
 489 both felonies prohibited under any of the Florida Statutes cited
 490 in this chapter or under similar statutes of other
 491 jurisdictions.

492 (2) Persons employed by or who have applied for employment
 493 with treatment providers who treat adolescents 13 years of age
 494 and older who are disqualified from employment solely because of
 495 crimes under s. 817.563, s. 893.13, or s. 893.147 may be
 496 exempted from disqualification from employment pursuant to this
 497 section without the 5-year ~~3-year~~ waiting period.

498 (3) In order for a licensing agency ~~department~~ to grant an
 499 exemption to any employee, the employee must demonstrate by
 500 clear and convincing evidence that the employee should not be
 501 disqualified from employment. Employees seeking an exemption
 502 have the burden of setting forth sufficient evidence of

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503 rehabilitation, including, but not limited to, the circumstances
504 surrounding the criminal incident for which an exemption is
505 sought, the time period that has elapsed since the incident, the
506 nature of the harm caused to the victim, and the history of the
507 employee since the incident, or any other evidence or
508 circumstances indicating that the employee will not present a
509 danger if continued employment is allowed. A licensing agency
510 may not consider an application for an exemption from
511 disqualification for a person seeking employment at a child care
512 facility or an assisted living facility until 5 years after the
513 completion of the terms and conditions of a sentence imposed,
514 whether served during actual imprisonment, probation, or parole.
515 The decision of the licensing agency ~~department~~ regarding an
516 exemption may be contested through the hearing procedures set
517 forth in chapter 120.

518 (4) Disqualification from employment under subsection (1)
519 may not be removed from, nor may an exemption be granted to, any
520 personnel who is found guilty of, regardless of adjudication, or
521 who has entered a plea of nolo contendere or guilty to, any
522 felony covered by s. 435.03 solely by reason of any pardon,
523 executive clemency, or restoration of civil rights.

524 (5) Exemptions granted by one licensing agency shall be
525 considered by subsequent licensing agencies, but are not binding
526 on the subsequent licensing agency.

527 (6) A licensing agency may adopt rules for the imposition
528 of conditions upon and the review or revocation of individual
529 exemptions from disqualification.

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530 (7) A licensing agency may retain fingerprints submitted
531 by criminal and noncriminal justice agencies to the agency for a
532 criminal history background screening as provided by rule.

533 (8) The licensing agency shall review an exemption from
534 disqualification granted under this section every 3 years, at a
535 minimum, after the date upon which the exemption was granted to
536 ensure that the rehabilitation is still effective and that there
537 have been no additional disqualifying offenses.

538 (9) The licensing agency shall immediately revoke an
539 employee's exemption from disqualification upon a determination
540 that the employee committed an additional disqualifying offense.

541 (10) Any licensing agency that grants an exemption from
542 disqualification for employment may adopt rules necessary for
543 the implementation of this section.

544 Section 8. Section 402.30501, Florida Statutes, is amended
545 to read:

546 402.30501 Modification of introductory child care course
547 for community college credit authorized.--The Department of
548 Children and Family Services may modify the 40-clock-hour
549 introductory course in child care under s. 402.305 or s.
550 402.3131 to meet the requirements of articulating the course to
551 community college credit. Any modification must continue to
552 provide that the course satisfies the requirements of s.
553 402.305 (2) (c) ~~(d)~~.

554 Section 9. Paragraph (d) of subsection (5) of section
555 411.01, Florida Statutes, is amended to read:

556 411.01 School readiness programs; early learning
557 coalitions.--

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558 (5) CREATION OF EARLY LEARNING COALITIONS.--

559 (d) Implementation.--

560 1. An early learning coalition may not implement the
561 school readiness program until the coalition is authorized
562 through approval of the coalition's school readiness plan by the
563 Agency for Workforce Innovation.

564 2. Each early learning coalition shall develop a plan for
565 implementing the school readiness program to meet the
566 requirements of this section and the performance standards and
567 outcome measures adopted by the Agency for Workforce Innovation.
568 The plan must demonstrate how the program will ensure that each
569 3-year-old and 4-year-old child in a publicly funded school
570 readiness program receives scheduled activities and instruction
571 designed to enhance the age-appropriate progress of the children
572 in attaining the performance standards adopted by the Agency for
573 Workforce Innovation under subparagraph (4)(d)8. Before
574 implementing the school readiness program, the early learning
575 coalition must submit the plan to the Agency for Workforce
576 Innovation for approval. The Agency for Workforce Innovation may
577 approve the plan, reject the plan, or approve the plan with
578 conditions. The Agency for Workforce Innovation shall review
579 school readiness plans at least annually.

580 3. If the Agency for Workforce Innovation determines
581 during the annual review of school readiness plans, or through
582 monitoring and performance evaluations conducted under paragraph
583 (4)(1), that an early learning coalition has not substantially
584 implemented its plan, has not substantially met the performance
585 standards and outcome measures adopted by the agency, or has not

586 effectively administered the school readiness program or
587 Voluntary Prekindergarten Education Program, the Agency for
588 Workforce Innovation may dissolve the coalition and temporarily
589 contract with a qualified entity to continue school readiness
590 and prekindergarten services in the coalition's county or
591 multicounty region until the coalition is reestablished through
592 resubmission of a school readiness plan and approval by the
593 agency.

594 4. The Agency for Workforce Innovation shall adopt
595 criteria for the approval of school readiness plans. The
596 criteria must be consistent with the performance standards and
597 outcome measures adopted by the agency and must require each
598 approved plan to include the following minimum standards and
599 provisions:

600 a. A sliding fee scale establishing a copayment for
601 parents based upon their ability to pay, which is the same for
602 all program providers, to be implemented and reflected in each
603 program's budget.

604 b. A choice of settings and locations in licensed,
605 registered, religious-exempt, or school-based programs to be
606 provided to parents.

607 c. Instructional staff who have completed the training
608 course as required in s. 402.305(2) (c) ~~(d)~~1., as well as staff
609 who have additional training or credentials as required by the
610 Agency for Workforce Innovation. The plan must provide a method
611 for assuring the qualifications of all personnel in all program
612 settings.

613 d. Specific eligibility priorities for children within the
614 early learning coalition's county or multicounty region in
615 accordance with subsection (6).

616 e. Performance standards and outcome measures adopted by
617 the Agency for Workforce Innovation.

618 f. Payment rates adopted by the early learning coalition
619 and approved by the Agency for Workforce Innovation. Payment
620 rates may not have the effect of limiting parental choice or
621 creating standards or levels of services that have not been
622 authorized by the Legislature.

623 g. Systems support services, including a central agency,
624 child care resource and referral, eligibility determinations,
625 training of providers, and parent support and involvement.

626 h. Direct enhancement services to families and children.
627 System support and direct enhancement services shall be in
628 addition to payments for the placement of children in school
629 readiness programs.

630 i. The business organization of the early learning
631 coalition, which must include the coalition's articles of
632 incorporation and bylaws if the coalition is organized as a
633 corporation. If the coalition is not organized as a corporation
634 or other business entity, the plan must include the contract
635 with a fiscal agent. An early learning coalition may contract
636 with other coalitions to achieve efficiency in multicounty
637 services, and these contracts may be part of the coalition's
638 school readiness plan.

639 j. Strategies to meet the needs of unique populations,
640 such as migrant workers.

641
642 As part of the school readiness plan, the early learning
643 coalition may request the Governor to apply for a waiver to
644 allow the coalition to administer the Head Start Program to
645 accomplish the purposes of the school readiness program. If a
646 school readiness plan demonstrates that specific statutory goals
647 can be achieved more effectively by using procedures that
648 require modification of existing rules, policies, or procedures,
649 a request for a waiver to the Agency for Workforce Innovation
650 may be submitted as part of the plan. Upon review, the Agency
651 for Workforce Innovation may grant the proposed modification.

652 5. Persons with an early childhood teaching certificate
653 may provide support and supervision to other staff in the school
654 readiness program.

655 6. An early learning coalition may not implement its
656 school readiness plan until it submits the plan to and receives
657 approval from the Agency for Workforce Innovation. Once the plan
658 is approved, the plan and the services provided under the plan
659 shall be controlled by the early learning coalition. The plan
660 shall be reviewed and revised as necessary, but at least
661 biennially. An early learning coalition may not implement the
662 revisions until the coalition submits the revised plan to and
663 receives approval from the Agency for Workforce Innovation. If
664 the Agency for Workforce Innovation rejects a revised plan, the
665 coalition must continue to operate under its prior approved
666 plan.

667 7. Sections 125.901(2)(a)3., 411.221, and 411.232 do not
668 apply to an early learning coalition with an approved school

669 | readiness plan. To facilitate innovative practices and to allow
 670 | the regional establishment of school readiness programs, an
 671 | early learning coalition may apply to the Governor and Cabinet
 672 | for a waiver of, and the Governor and Cabinet may waive, any of
 673 | the provisions of ss. 411.223, 411.232, and 1003.54, if the
 674 | waiver is necessary for implementation of the coalition's school
 675 | readiness plan.

676 | 8. Two or more counties may join for purposes of planning
 677 | and implementing a school readiness program.

678 | 9. An early learning coalition may, subject to approval by
 679 | the Agency for Workforce Innovation as part of the coalition's
 680 | school readiness plan, receive subsidized child care funds for
 681 | all children eligible for any federal subsidized child care
 682 | program.

683 | 10. An early learning coalition may enter into multiparty
 684 | contracts with multicounty service providers in order to meet
 685 | the needs of unique populations such as migrant workers.

686 | Section 10. Paragraphs (c) and (g) of subsection (3) of
 687 | section 1002.55, Florida Statutes, are amended to read:

688 | 1002.55 School-year prekindergarten program delivered by
 689 | private prekindergarten providers.--

690 | (3) To be eligible to deliver the prekindergarten program,
 691 | a private prekindergarten provider must meet each of the
 692 | following requirements:

693 | (c) The private prekindergarten provider must have, for
 694 | each prekindergarten class, at least one prekindergarten
 695 | instructor who meets each of the following requirements:

696 1. The prekindergarten instructor must hold, at a minimum,
697 one of the following credentials:

698 a. A child development associate credential issued by the
699 National Credentialing Program of the Council for Professional
700 Recognition; or

701 b. A credential approved by the Department of Children and
702 Family Services as being equivalent to or greater than the
703 credential described in sub-subparagraph a.

704
705 The Department of Children and Family Services may adopt rules
706 under ss. 120.536(1) and 120.54 which provide criteria and
707 procedures for approving equivalent credentials under sub-
708 subparagraph b.

709 2. The prekindergarten instructor must successfully
710 complete an emergent literacy training course approved by the
711 department as meeting or exceeding the minimum standards adopted
712 under s. 1002.59. This subparagraph does not apply to a
713 prekindergarten instructor who successfully completes approved
714 training in early literacy and language development under s.
715 402.305(2) (c) ~~(d)~~5., s. 402.313(6), or s. 402.3131(5) before the
716 establishment of one or more emergent literacy training courses
717 under s. 1002.59 or April 1, 2005, whichever occurs later.

718 (g) Before the beginning of the 2006-2007 school year, the
719 private prekindergarten provider must have a prekindergarten
720 director who has a prekindergarten director credential that is
721 approved by the department as meeting or exceeding the minimum
722 standards adopted under s. 1002.57. Successful completion of a
723 child care facility director credential under s.

724 402.305(2) (e) ~~(f)~~ before the establishment of the prekindergarten
 725 director credential under s. 1002.57 or July 1, 2006, whichever
 726 occurs later, satisfies the requirement for a prekindergarten
 727 director credential under this paragraph.

728 Section 11. Subsections (3) and (4) of section 1002.57,
 729 Florida Statutes, are amended to read:

730 1002.57 Prekindergarten director credential.--

731 (3) The prekindergarten director credential must meet or
 732 exceed the requirements of the Department of Children and Family
 733 Services for the child care facility director credential under
 734 s. 402.305(2) (e) ~~(f)~~, and successful completion of the
 735 prekindergarten director credential satisfies these requirements
 736 for the child care facility director credential.

737 (4) The department shall, to the maximum extent
 738 practicable, award credit to a person who successfully completes
 739 the child care facility director credential under s.
 740 402.305(2) (e) ~~(f)~~ for those requirements of the prekindergarten
 741 director credential which are duplicative of requirements for
 742 the child care facility director credential.

743 Section 12. Section 1002.59, Florida Statutes, is amended
 744 to read:

745 1002.59 Emergent literacy training courses.--By April 1,
 746 2005, the department shall adopt minimum standards for one or
 747 more training courses in emergent literacy for prekindergarten
 748 instructors. Each course must comprise 5 clock hours and provide
 749 instruction in strategies and techniques to address the age-
 750 appropriate progress of prekindergarten students in developing
 751 emergent literacy skills, including oral communication,

752 knowledge of print and letters, phonemic and phonological
 753 awareness, and vocabulary and comprehension development. Each
 754 course must also provide resources containing strategies that
 755 allow students with disabilities and other special needs to
 756 derive maximum benefit from the Voluntary Prekindergarten
 757 Education Program. Successful completion of an emergent literacy
 758 training course approved under this section satisfies
 759 requirements for approved training in early literacy and
 760 language development under ss. 402.305(2) (c) ~~(d)~~5., 402.313(6),
 761 and 402.3131(5).

762 Section 13. For the purpose of incorporating the amendment
 763 made by this act to section 402.305, Florida Statutes, in a
 764 reference thereto, subsection (3) of section 402.302, Florida
 765 Statutes, is reenacted to read:

766 402.302 Definitions.--

767 (3) "Child care personnel" means all owners, operators,
 768 employees, and volunteers working in a child care facility. The
 769 term does not include persons who work in a child care facility
 770 after hours when children are not present or parents of children
 771 in Head Start. For purposes of screening, the term includes any
 772 member, over the age of 12 years, of a child care facility
 773 operator's family, or person, over the age of 12 years, residing
 774 with a child care facility operator if the child care facility
 775 is located in or adjacent to the home of the operator or if the
 776 family member of, or person residing with, the child care
 777 facility operator has any direct contact with the children in
 778 the facility during its hours of operation. Members of the
 779 operator's family or persons residing with the operator who are

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780 between the ages of 12 years and 18 years shall not be required
781 to be fingerprinted but shall be screened for delinquency
782 records. For purposes of screening, the term shall also include
783 persons who work in child care programs which provide care for
784 children 15 hours or more each week in public or nonpublic
785 schools, summer day camps, family day care homes, or those
786 programs otherwise exempted under s. 402.316. The term does not
787 include public or nonpublic school personnel who are providing
788 care during regular school hours, or after hours for activities
789 related to a school's program for grades kindergarten through
790 12. A volunteer who assists on an intermittent basis for less
791 than 40 hours per month is not included in the term "personnel"
792 for the purposes of screening and training, provided that the
793 volunteer is under direct and constant supervision by persons
794 who meet the personnel requirements of s. 402.305(2). Students
795 who observe and participate in a child care facility as a part
796 of their required coursework shall not be considered child care
797 personnel, provided such observation and participation are on an
798 intermittent basis and the students are under direct and
799 constant supervision of child care personnel.

800 Section 14. For the purpose of incorporating the amendment
801 made by this act to section 402.305, Florida Statutes, in
802 references thereto, paragraphs (b), (d), and (g) of subsection
803 (2) of section 402.3055, Florida Statutes, are reenacted to
804 read:

805 402.3055 Child care personnel requirements.--

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806 (2) EXCLUSION FROM OWNING, OPERATING, OR BEING EMPLOYED BY
 807 A CHILD CARE FACILITY OR OTHER CHILD CARE PROGRAM; HEARINGS
 808 PROVIDED.--

809 (b) When the department or the local licensing agency has
 810 reasonable cause to believe that grounds for denial or
 811 termination of employment exist, it shall notify, in writing,
 812 the applicant, licensee, or other child care program and the
 813 child care personnel affected, stating the specific record which
 814 indicates noncompliance with the standards in s. 402.305(2).

815 (d) When a local licensing agency is the agency initiating
 816 the statement regarding noncompliance of an employee with the
 817 standards contained in s. 402.305(2), the employee, applicant,
 818 licensee, or other child care program has 15 days from the time
 819 of written notification of the agency's finding to make a
 820 written request for a hearing. If a request for a hearing is not
 821 received in that time, the permanent employee, applicant,
 822 licensee, or other child care program is presumed to accept the
 823 finding.

824 (g) Refusal on the part of an applicant or licensee to
 825 dismiss child care personnel who have been found to be in
 826 noncompliance with personnel standards of s. 402.305(2) shall
 827 result in automatic denial or revocation of the license in
 828 addition to any other remedies pursued by the department or
 829 local licensing agency.

830 Section 15. For the purpose of incorporating the amendment
 831 made by this act to section 402.305, Florida Statutes, in a
 832 reference thereto, section 402.3057, Florida Statutes, is
 833 reenacted to read:

834 402.3057 Persons not required to be refingerprinted or
 835 rescreened.--Any provision of law to the contrary
 836 notwithstanding, human resource personnel who have been
 837 fingerprinted or screened pursuant to chapters 393, 394, 397,
 838 402, and 409, and teachers and noninstructional personnel who
 839 have been fingerprinted pursuant to chapter 1012, who have not
 840 been unemployed for more than 90 days thereafter, and who under
 841 the penalty of perjury attest to the completion of such
 842 fingerprinting or screening and to compliance with the
 843 provisions of this section and the standards for good moral
 844 character as contained in such provisions as ss. 110.1127(3),
 845 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(6),
 846 shall not be required to be refingerprinted or rescreened in
 847 order to comply with any caretaker screening or fingerprinting
 848 requirements.

849 Section 16. For the purpose of incorporating the amendment
 850 made by this act to section 402.305, Florida Statutes, in
 851 references thereto, paragraph (d) of subsection (3) and
 852 paragraph (d) of subsection (4) of section 402.308, Florida
 853 Statutes, are reenacted to read:

854 402.308 Issuance of license.--

855 (3) STATE ADMINISTRATION OF LICENSING.--In any county in
 856 which the department has the authority to issue licenses, the
 857 following procedures shall be applied:

858 (d) The department shall issue or renew a license upon
 859 receipt of the license fee and upon being satisfied that all
 860 standards required by ss. 402.301-402.319 have been met. A
 861 license may be issued if all the screening materials have been

862 timely submitted; however, a license may not be issued or
 863 renewed if any of the child care personnel at the applicant
 864 facility have failed the screening required by ss. 402.305(2)
 865 and 402.3055.

866 (4) LOCAL ADMINISTRATION OF LICENSING.--In any county in
 867 which there is a local licensing agency approved by the
 868 department, the following procedures shall apply:

869 (d) The local licensing agency shall issue a license or
 870 renew a license upon being satisfied that all standards required
 871 by ss. 402.301-402.319 have been met. A license may be issued or
 872 renewed if all the screening materials have been timely
 873 submitted; however, the local licensing agency shall not issue
 874 or renew a license if any of the child care personnel at the
 875 applicant facility have failed the screening required by ss.
 876 402.305(2) and 402.3055.

877 Section 17. For the purpose of incorporating the amendment
 878 made by this act to section 402.305, Florida Statutes, in a
 879 reference thereto, subsection (3) of section 402.313, Florida
 880 Statutes, is reenacted to read:

881 402.313 Family day care homes.--

882 (3) Child care personnel in family day care homes shall be
 883 subject to the applicable screening provisions contained in ss.
 884 402.305(2) and 402.3055. For purposes of screening in family day
 885 care homes, the term includes any member over the age of 12
 886 years of a family day care home operator's family, or persons
 887 over the age of 12 years residing with the operator in the
 888 family day care home. Members of the operator's family, or
 889 persons residing with the operator, who are between the ages of

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890 12 years and 18 years shall not be required to be fingerprinted,
 891 but shall be screened for delinquency records.

892 Section 18. For the purpose of incorporating the amendment
 893 made by this act to section 402.305, Florida Statutes, in a
 894 reference thereto, subsection (2) of section 402.3131, Florida
 895 Statutes, is reenacted to read:

896 402.3131 Large family child care homes.--

897 (2) Child care personnel in large family child care homes
 898 shall be subject to the applicable screening provisions
 899 contained in ss. 402.305(2) and 402.3055. For purposes of
 900 screening child care personnel in large family child care homes,
 901 the term "child care personnel" includes any member of a large
 902 family child care home operator's family 12 years of age or
 903 older, or any person 12 years of age or older residing with the
 904 operator in the large family child care home. Members of the
 905 operator's family, or persons residing with the operator, who
 906 are between the ages of 12 years and 18 years, inclusive, shall
 907 not be required to be fingerprinted, but shall be screened for
 908 delinquency records.

909 Section 19. For the purpose of incorporating the amendment
 910 made by this act to section 402.305, Florida Statutes, in a
 911 reference thereto, section 409.1757, Florida Statutes, is
 912 reenacted to read:

913 409.1757 Persons not required to be refingerprinted or
 914 rescreened.--Any provision of law to the contrary
 915 notwithstanding, human resource personnel who have been
 916 fingerprinted or screened pursuant to chapters 393, 394, 397,
 917 402, and this chapter, and teachers who have been fingerprinted

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918 | pursuant to chapter 1012, who have not been unemployed for more
919 | than 90 days thereafter, and who under the penalty of perjury
920 | attest to the completion of such fingerprinting or screening and
921 | to compliance with the provisions of this section and the
922 | standards for good moral character as contained in such
923 | provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451,
924 | 402.305(2), and 409.175(6), shall not be required to be
925 | refingerprinted or rescreened in order to comply with any
926 | caretaker screening or fingerprinting requirements.

927 | Section 20. This act shall take effect July 1, 2010.