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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2010	.	
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The Committee on Education Pre-K - 12 (Storms) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (h) of subsection (4) and subsections (7) and (9) of section 393.067, Florida Statutes, are amended to read:

393.067 Facility licensure.—

(4) The application shall be under oath and shall contain the following:

(h) Certification that the staff of the facility or program will receive training to detect, report, and prevent sexual



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13 abuse, abuse, neglect, exploitation, and abandonment, as defined
14 in ss. 39.01 and 415.102, of residents and clients.

15 (7) The agency shall adopt rules establishing minimum
16 standards for facilities and programs licensed under this
17 section, including rules requiring facilities and programs to
18 train staff to detect, report, and prevent sexual abuse, abuse,
19 neglect, exploitation, and abandonment, as defined in ss. 39.01
20 and 415.102, of residents and clients, minimum standards of
21 quality and adequacy of client care, incident reporting
22 requirements, and uniform firesafety standards established by
23 the State Fire Marshal which are appropriate to the size of the
24 facility or of the component centers or units of the program.

25 (9) The agency may conduct unannounced inspections to
26 determine compliance by foster care facilities, group home
27 facilities, residential habilitation centers, and comprehensive
28 transitional education programs with the applicable provisions
29 of this chapter and the rules adopted pursuant hereto, including
30 the rules adopted for training staff of a facility or a program
31 to detect, report, and prevent sexual abuse, abuse, neglect,
32 exploitation, and abandonment, as defined in ss. 39.01 and
33 415.102, of residents and clients. The facility or program shall
34 make copies of inspection reports available to the public upon
35 request.

36 Section 2. Paragraph (a) of subsection (3) of section
37 393.13, Florida Statutes, is amended to read:

38 393.13 Treatment of persons with developmental
39 disabilities.—

40 (3) RIGHTS OF ALL PERSONS WITH DEVELOPMENTAL DISABILITIES.—
41 The rights described in this subsection shall apply to all



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42 persons with developmental disabilities, whether or not such
43 persons are clients of the agency.

44 (a) Persons with developmental disabilities shall have a
45 right to dignity, privacy, and humane care, including the right
46 to be free from abuse, including sexual abuse, neglect, and
47 exploitation in residential facilities.

48 Section 3. Paragraph (d) of subsection (2) of section
49 402.305, Florida Statutes, is amended to read:

50 402.305 Licensing standards; child care facilities.—

51 (2) PERSONNEL.—Minimum standards for child care personnel
52 shall include minimum requirements as to:

53 (d) Minimum training requirements for child care personnel.

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

58 a. State and local rules and regulations which govern child
59 care.

60 b. Health, safety, and nutrition.

61 c. Identifying and reporting child abuse and neglect.

62 d. Child development, including typical and atypical
63 language, cognitive, motor, social, and self-help skills
64 development.

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

68 f. Specialized areas, including computer technology for
69 professional and classroom use and early literacy and language
70 development of children from birth to 5 years of age, as



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71 determined by the department, for owner-operators and child care
72 personnel of a child care facility.

73 g. Developmental disabilities, including autism spectrum
74 disorder and Down syndrome, and the early identification, use of
75 available state and local resources, classroom integration, and
76 positive behavioral supports for children with developmental
77 disabilities.

78
79 Within 90 days after employment, child care personnel shall
80 begin training to meet the training requirements. Child care
81 personnel shall successfully complete such training within 1
82 year after the date on which the training began, as evidenced by
83 passage of a competency examination. Successful completion of
84 the 40-clock-hour introductory course shall articulate into
85 community college credit in early childhood education, pursuant
86 to ss. 1007.24 and 1007.25. Exemption from all or a portion of
87 the required training shall be granted to child care personnel
88 based upon educational credentials or passage of competency
89 examinations. Child care personnel possessing a 2-year degree or
90 higher that includes 6 college credit hours in early childhood
91 development or child growth and development, or a child
92 development associate credential or an equivalent state-approved
93 child development associate credential, or a child development
94 associate waiver certificate shall be automatically exempted
95 from the training requirements in sub-subparagraphs b., d., and
96 e.

97 2. The introductory course in child care shall stress, to
98 the extent possible, an interdisciplinary approach to the study
99 of children.



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100 3. The introductory course shall cover recognition and
101 prevention of shaken baby syndrome, prevention of sudden infant
102 death syndrome, recognition and care of infants and toddlers
103 with developmental disabilities, including autism spectrum
104 disorder and Down syndrome, and early childhood brain
105 development within the topic areas identified in this paragraph.

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

112 5. Child care personnel shall be required to complete 0.5
113 continuing education unit of approved training or 5 clock hours
114 of equivalent training, as determined by the department, in
115 early literacy and language development of children from birth
116 to 5 years of age one time. The year that this training is
117 completed, it shall fulfill the 0.5 continuing education unit or
118 5 clock hours of the annual training required in subparagraph 4.

119 6. Procedures for ensuring the training of qualified child
120 care professionals to provide training of child care personnel,
121 including onsite training, shall be included in the minimum
122 standards. It is recommended that the state community child care
123 coordination agencies (central agencies) be contracted by the
124 department to coordinate such training when possible. Other
125 district educational resources, such as community colleges and
126 career programs, can be designated in such areas where central
127 agencies may not exist or are determined not to have the
128 capability to meet the coordination requirements set forth by



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129 the department.

130 7. Training requirements shall not apply to certain
131 occasional or part-time support staff, including, but not
132 limited to, swimming instructors, piano teachers, dance
133 instructors, and gymnastics instructors.

134 8. The department shall evaluate or contract for an
135 evaluation for the general purpose of determining the status of
136 and means to improve staff training requirements and testing
137 procedures. The evaluation shall be conducted every 2 years. The
138 evaluation shall include, but not be limited to, determining the
139 availability, quality, scope, and sources of current staff
140 training; determining the need for specialty training; and
141 determining ways to increase inservice training and ways to
142 increase the accessibility, quality, and cost-effectiveness of
143 current and proposed staff training. The evaluation methodology
144 shall include a reliable and valid survey of child care
145 personnel.

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

150 Section 4. Section 1003.573, Florida Statutes, is created
151 to read:

152 1003.573 Use of seclusion and restraint on students with
153 disabilities.-

154 (1) DOCUMENTATION AND REPORTING.-

155 (a) A school shall prepare an incident report within 24
156 hours after a student is released from restraint or seclusion.

157 If the student's release occurs on a day before the school



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158 closes for the weekend, a holiday, or another reason, the
159 incident report must be completed by the end of the school day
160 on the day the school reopens.

161 (b) The following must be included in the incident report:

162 1. The name of the student restrained or secluded.

163 2. The date and time of the event and the duration of the
164 restraint or seclusion.

165 3. The location at which the restraint or seclusion
166 occurred.

167 4. The type of restraint used.

168 5. The name of the person using or assisting in the
169 restraint or seclusion of the student.

170 6. The name of any nonstudent who was present to witness
171 the restraint or seclusion.

172 7. A description of the incident, including:

173 a. The context in which the restraint or seclusion
174 occurred.

175 b. The student's behavior leading up to and precipitating
176 the decision to use manual physical restraint or seclusion,
177 including an indication as to why there was an imminent risk of
178 serious injury or death to the student or others.

179 c. The specific positive behavioral strategies used to
180 prevent and deescalate the behavior.

181 d. What occurred with the student immediately after the
182 termination of the restraint or seclusion.

183 e. Any injuries, visible marks, or possible medical
184 emergencies that may have occurred during the restraint or
185 seclusion, documented according to district policies.

186 f. Evidence of steps taken to notify the student's parent



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187 or guardian.

188 (c) A school shall notify the parent or guardian of a
189 student each time manual physical restraint or seclusion is
190 used. Such notification must be in writing and provided before
191 the end of the school day on which the restraint or seclusion
192 occurs. Reasonable efforts must also be taken to notify the
193 parent or guardian by telephone or computer e-mail, or both, and
194 these efforts must be documented. The school shall obtain, and
195 keep in its records, the parent's or guardian's signed
196 acknowledgement that he or she was notified of his or her
197 child's restraint or seclusion.

198 (d) A school shall also provide the parent or guardian with
199 the completed incident report in writing by mail within 3 school
200 days after a student was manually physically restrained or
201 secluded. The school shall obtain, and keep in its records, the
202 parent's or guardian's signed acknowledgement that he or she
203 received a copy of the incident report.

204 (2) MONITORING.—

205 (a) Monitoring of the use of manual physical restraint or
206 seclusion on students shall occur at the classroom, building,
207 district, and state levels.

208 (b) Documentation prepared as required in subsection (1)
209 shall be provided to the school principal, the district director
210 of Exceptional Student Education, and the bureau chief of the
211 Bureau of Exceptional Education and Student Services
212 electronically each month that the school is in session.

213 (c) The department shall maintain aggregate data of
214 incidents of manual physical restraint and seclusion and
215 disaggregate the data for analysis by county, school, student



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216 exceptionality, and other variables. This information shall be
217 updated monthly.

218 (3) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

219 (a) Each school district shall develop policies and
220 procedures that are consistent with this section and that govern
221 the following:

222 1. Incident-reporting procedures.

223 2. Data collection.

224 3. Monitoring and reporting of data collected.

225 (b) Any revisions to such policies and procedures, which
226 must be prepared as part of the school district's special
227 policies and procedures, must be filed with the bureau chief of
228 the Bureau of Exceptional Education and Student Services no
229 later than January 31, 2011.

230 Section 5. Paragraphs (f) and (g) are added to subsection
231 (4) of section 1004.55, Florida Statutes, to read:

232 1004.55 Regional autism centers.—

233 (4) Each center shall provide:

234 (f) Coordination and dissemination of local and regional
235 information regarding available resources for services for
236 children with the developmental disabilities described in
237 subsection (1).

238 (g) Support to state agencies in the development of
239 training for early child care providers and educators with
240 respect to the developmental disabilities described in
241 subsection (1).

242 Section 6. Section 1012.582, Florida Statutes, is created
243 to read:

244 1012.582 Continuing education and inservice training for



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245 teaching students with developmental disabilities.-

246 (1) The Commissioner of Education shall develop
247 recommendations to incorporate instruction regarding autism
248 spectrum disorder, Down syndrome, and other developmental
249 disabilities into continuing education or inservice training
250 requirements for instructional personnel. These recommendations
251 shall address:

252 (a) Early identification of, and intervention for, students
253 who have autism spectrum disorder, Down syndrome, or other
254 developmental disabilities.

255 (b) Curriculum planning and curricular and instructional
256 modifications, adaptations, and specialized strategies and
257 techniques.

258 (c) The use of available state and local resources.

259 (d) The use of positive behavioral supports to deescalate
260 problem behaviors.

261 (e) Appropriate use of manual physical restraint and
262 seclusion techniques.

263 (2) In developing the recommendations, the commissioner
264 shall consult with the State Surgeon General, the director of
265 the Agency for Persons with Disabilities, representatives from
266 the education community in the state, and representatives from
267 entities that promote awareness about autism spectrum disorder,
268 Down syndrome, and other developmental disabilities, and provide
269 programs and services to persons with developmental
270 disabilities, including, but not limited to, regional autism
271 centers pursuant to s. 1004.55.

272 (3) Beginning with the 2010-2011 school year, the
273 Department of Education shall incorporate the course curricula



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274 recommended by the Commissioner of Education, pursuant to
275 subsection (1), into existing requirements for the continuing
276 education or inservice training of instructional personnel. The
277 requirements of this section may not add to the total hours
278 required for continuing education or inservice training as
279 currently established by the department.

280 (4) The State Board of Education may adopt rules pursuant
281 to ss. 120.536(1) and 120.54 to implement this section.

282 Section 7. This act shall take effect July 1, 2010.

283

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

285 And the title is amended as follows:

286 Delete everything before the enacting clause
287 and insert:

288 A bill to be entitled

289 An act relating to individuals with developmental
290 disabilities; amending s. 393.067, F.S.; revising the
291 application procedures for the licensing of certain
292 facilities that serve individuals with developmental
293 disabilities; amending s. 393.13, F.S.; providing that
294 persons with developmental disabilities have the right
295 to be free from abuse, including sexual abuse,
296 neglect, and exploitation; amending s. 402.305, F.S.;
297 requiring minimum training for child care personnel to
298 include the identification and care of children with
299 developmental disabilities; creating s. 1003.573,
300 F.S.; requiring that each school prepare an incident
301 report within a specified period after each occasion
302 of student restraint or seclusion; specifying the



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303 contents of such report; requiring that each school
304 notify a student's parent or guardian if manual
305 physical restraint or seclusion is used; requiring
306 certain reporting and monitoring; requiring that each
307 school district develop and revise policies and
308 procedures governing the incident reports, data
309 collection, and the monitoring and reporting of such
310 data; amending s. 1004.55, F.S.; requiring regional
311 autism centers to provide certain support for serving
312 children with developmental disabilities; creating s.
313 1012.582, F.S.; requiring the Department of Education
314 to incorporate course curricula relating to
315 developmental disabilities into existing requirements
316 for the continuing education or inservice training of
317 instructional personnel; requiring the Commissioner of
318 Education to make recommendations to the department
319 relating to developmental disabilities awareness
320 instruction and methods for teaching students with
321 developmental disabilities; authorizing the State
322 Board of Education to adopt rules; providing an
323 effective date.