



June 17, 2016

MEMORANDUM

TO: District School Superintendents

FROM: Rodney J. MacKinnon
Executive Director, Office of Early Learning

SUBJECT: New Law Changes That Impact Child Care Programs including
Afterschool Programs Operated in Public Schools

**New Law Changes That Impact Child Care Programs including
Afterschool Programs Operated in Public Schools**

On November 19, 2014, the federal Child Care and Development Block Grant (CCDBG) Act of 2014 was signed into law. The new law prescribes health and safety requirements that apply to school readiness program (including those operated by public schools) providers and requires that more information be available to parents and the general public about child care choices.

The federal government works with states to support low-income working families by providing access to child care through the federal CCDBG. Florida uses CCDBG funds for its school readiness program. The school readiness program provides subsidies for child care services (including afterschool programs) and early childhood education for children of low-income families, children in protective services who are at risk of abuse, neglect or abandonment, and children with disabilities. Families use these subsidies to purchase child care services from school readiness providers. The state must implement these requirements to continue receiving CCDBG funding. [1]

While Florida's school readiness programs meet many of the new federal requirements, some changes to Florida law governing the program were necessary. Changes were necessary to increase the screening elements for all child care personnel (including personnel working in programs deemed to be providing child care services) to include the requirement that fingerprint submission must comply with s. 435.12, Florida Statutes, searches of the National Sex Offender Registry, state criminal records, state sex offender registries, and child abuse and neglect registries of all states in which the child care personnel resided during the preceding five years, and the monitoring for health and safety in school readiness programs for continued eligibility to participate in the federally funded program. This statute requires screening to be processed via the statewide Background Screening Clearinghouse. Therefore, the Department of Children and Families will no longer be accepting screening conducted by the school board(s) for afterschool programs and/or child care programs located on a public school campus.

During the 2016 Florida legislative session, laws were amended to assist with implementing the newly prescribed federal law. Below are two laws that have an impact on child care programs:

HB 1125 Relating to Eligibility for Employment as Child Care Personnel: This bill amended section 435.07, Florida Statutes, (HB 1125 – Chapter 2016-98, Laws of Florida), to make the new CCDBG background screening requirements apply to all child care personnel regardless of whether their employer receives federal CCDBG funding. The bill prohibits the Department of Children and Families from granting exemptions for employment as child care personnel to persons who have been

- Registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) and are subject to the registration requirements under the Adam Walsh Child Protection and Safety Act; or
- Arrested for and are awaiting final disposition of, found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged, for certain state felonies and misdemeanors enumerated in the bill that are aligned with the crimes listed in the federal requirements. [2]

HB 7053 Relating to Child Care and Development Block Grant Program: This bill requires that school readiness program providers must meet a minimum level of health and safety and receive at least one annual inspection. The Department of Children and Families and/or the local licensing agency, as applicable, will conduct inspections to determine compliance with the school readiness program provider standards through exercise of their discretionary power to enforce compliance with the laws. The authority to inspect includes access to facilities, personnel and records. A school readiness program provider that refuses entry or inspection shall have its provider contract terminated. School readiness providers must provide more information to the public to promote informed child care choices; provide training on child care development research and best practices and cardiopulmonary resuscitation training; provide an appropriate group size as well as an appropriate staff-to-child ratio; and employ child care personnel who have satisfied the screening requirements of Chapter 402, Florida Statutes, and fulfilled the training requirements of the Office of Early Learning. [3]

Please share this information with your local schools and personnel who work with providing child care and afterschool programs in your school district. If you or school personnel have any questions on the new law changes, you may contact Florida’s Office of Early Learning at (850) 717-8550 or the Department of Children and Families’ Office of Child Care Regulation at (850)488-4900.

[1] CS/CS/CS/HB 1125 2016 House of Representative Final Bill Analysis, March 25, 2016

[2] CS/CS/CS/HB 1125 2016 House of Representative Final Bill Analysis, March 25, 2016

[3] CS/ HB 7053, 2016 House of Representatives Final Bill Analysis, March 24, 2016