

1
2 An act relating to child care facilities;
3 creating the "Jeremy Fiedelholtz Safe Day Care
4 Act"; amending s. 402.319, F.S.; providing a
5 penalty for making misrepresentations to
6 certain persons regarding licensure or
7 operation of a child care facility or family
8 day care home; providing a penalty for
9 negligence or intentional act and the parent or
10 guardian relied on a misrepresentation;
11 amending s. 921.0022, F.S.; providing for
12 ranking of violations on the offense severity
13 ranking chart; amending s. 110.151, F.S.;
14 providing duties for state agencies sponsoring
15 child care programs for children and dependents
16 of state officers and employees; providing
17 effective dates.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. This act may be cited as the "Jeremy
22 Fiedelholtz Safe Day Care Act."

23 Section 2. Section 402.319, Florida Statutes, is
24 amended to read:

25 402.319 Penalties.--

26 (1) It is a misdemeanor of the first degree,
27 punishable as provided in s. 775.082 or s. 775.083, for any
28 person ~~willfully, knowingly, or intentionally~~ to:

29 (a)~~(1)~~ Fail, by false statement, misrepresentation,
30 impersonation, or other fraudulent means, to disclose in any
31 application for voluntary or paid employment or licensure

1 regulated under ss. 402.301-402.318 all information required
2 under those sections or a material fact used in making a
3 determination as to such person's qualifications to be child
4 care personnel, as defined in s. 402.302,~~an owner, operator,~~
5 ~~employee, or volunteer~~ in a child care facility, family day
6 care home, or other child care program.

7 (b)(2) Operate or attempt to operate a child care
8 facility without having procured a license as required by this
9 act.

10 (c)(5) Operate or attempt to operate a family day care
11 home without a license or without registering with the
12 department, whichever is applicable.

13 (d)(3) Operate or attempt to operate a child care
14 facility or family day care home under a license that is
15 suspended, revoked, or terminated.

16 (e)(4) ~~Misrepresent~~ Represent, by act or omission, a
17 child care facility or family day care home to be duly
18 licensed pursuant to this act without being so licensed.

19 (f) Make any other misrepresentation, by act or
20 omission, regarding the licensure or operation of a child care
21 facility or family day care home to a parent or guardian who
22 has a child placed in the facility or is inquiring as to
23 placing a child in the facility, or to a representative of the
24 licensing authority, or to a representative of a law
25 enforcement agency, including, but not limited to, any
26 misrepresentation as to:

27 1. The number of children at the child care facility
28 or the family day care home;

29 2. The part of the child care facility or family day
30 care home designated for child care;

31

- 1 3. The qualifications or credentials of child care
- 2 personnel;
- 3 4. Whether a family day care home or child care
- 4 facility complies with the screening requirements of s.
- 5 402.305; or
- 6 5. Whether child care personnel have the training as
- 7 required by s. 402.305.
- 8 (2) If any child care personnel makes any
- 9 misrepresentation in violation of this section to a parent or
- 10 guardian who has placed a child in the child care facility or
- 11 family day care home, and the parent or guardian relied upon
- 12 the misrepresentation, and the child suffers great bodily
- 13 harm, permanent disfigurement, permanent disability, or death
- 14 as a result of an intentional act or negligence by the child
- 15 care personnel, then the child care personnel commits a felony
- 16 of the second degree, punishable as provided in s. 775.082, s.
- 17 775.083, or s. 775.084.

18 Section 3. Paragraph (g) of subsection (3) of section
 19 921.0022, Florida Statutes, 1998 Supplement, is amended to
 20 read:

21 921.0022 Criminal Punishment Code; offense severity
 22 ranking chart.--

23 (3) OFFENSE SEVERITY RANKING CHART

25 Florida	Felony	
26 Statute	Degree	Description
		(g) LEVEL 7
29 316.193(3)(c)2.	3rd	DUI resulting in serious bodily 30 injury.

1	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
2			bodily injury.
3	<u>402.319(2)</u>	<u>2nd</u>	<u>Misrepresentation and negligence</u>
4			<u>or intentional act resulting in</u>
5			<u>great bodily harm, permanent</u>
6			<u>disfiguration, permanent</u>
7			<u>disability, or death.</u>
8	409.920(2)	3rd	Medicaid provider fraud.
9	494.0018(2)	1st	Conviction of any violation of
10			ss. 494.001-494.0077 in which the
11			total money and property
12			unlawfully obtained exceeded
13			\$50,000 and there were five or
14			more victims.
15	782.051(3)	2nd	Attempted felony murder of a
16			person by a person other than the
17			perpetrator or the perpetrator of
18			an attempted felony.
19	782.07(1)	2nd	Killing of a human being by the
20			act, procurement, or culpable
21			negligence of another
22			(manslaughter).
23	782.071	3rd	Killing of human being or viable
24			fetus by the operation of a motor
25			vehicle in a reckless manner
26			(vehicular homicide).
27	782.072	3rd	Killing of a human being by the
28			operation of a vessel in a
29			reckless manner (vessel
30			homicide).
31			

1	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
2			causing great bodily harm or
3			disfigurement.
4	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
5			weapon.
6	784.045(1)(b)	2nd	Aggravated battery; perpetrator
7			aware victim pregnant.
8	784.048(4)	3rd	Aggravated stalking; violation of
9			injunction or court order.
10	784.07(2)(d)	1st	Aggravated battery on law
11			enforcement officer.
12	784.08(2)(a)	1st	Aggravated battery on a person 65
13			years of age or older.
14	784.081(1)	1st	Aggravated battery on specified
15			official or employee.
16	784.082(1)	1st	Aggravated battery by detained
17			person on visitor or other
18			detainee.
19	784.083(1)	1st	Aggravated battery on code
20			inspector.
21	790.07(4)	1st	Specified weapons violation
22			subsequent to previous conviction
23			of s. 790.07(1) or (2).
24	790.16(1)	1st	Discharge of a machine gun under
25			specified circumstances.
26	796.03	2nd	Procuring any person under 16
27			years for prostitution.
28	800.04	2nd	Handle, fondle, or assault child
29			under 16 years in lewd,
30			lascivious, or indecent manner.
31			

1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)	1st	Property stolen, valued at
10			\$100,000 or more; property stolen
11			while causing other property
12			damage; 1st degree grand theft.
13	812.019(2)	1st	Stolen property; initiates,
14			organizes, plans, etc., the theft
15			of property and traffics in
16			stolen property.
17	812.133(2)(b)	1st	Carjacking; no firearm, deadly
18			weapon, or other weapon.
19	825.102(3)(b)	2nd	Neglecting an elderly person or
20			disabled adult causing great
21			bodily harm, disability, or
22			disfigurement.
23	825.1025(2)	2nd	Lewd or lascivious battery upon
24			an elderly person or disabled
25			adult.
26	825.103(2)(b)	2nd	Exploiting an elderly person or
27			disabled adult and property is
28			valued at \$20,000 or more, but
29			less than \$100,000.
30			
31			

1	827.03(3)(b)	2nd	Neglect of a child causing great
2			bodily harm, disability, or
3			disfigurement.
4	827.04(3)(4)	3rd	Impregnation of a child under 16
5			years of age by person 21 years
6			of age or older.
7	837.05(2)	3rd	Giving false information about
8			alleged capital felony to a law
9			enforcement officer.
10	872.06	2nd	Abuse of a dead human body.
11	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
12			cocaine (or other drug prohibited
13			under s. 893.03(1)(a), (1)(b),
14			(1)(d), (2)(a), or (2)(b)) within
15			1,000 feet of a child care
16			facility or school.
17	893.13(1)(e)	1st	Sell, manufacture, or deliver
18			cocaine or other drug prohibited
19			under s. 893.03(1)(a), (1)(b),
20			(1)(d), (2)(a), or (2)(b), within
21			1,000 feet of property used for
22			religious services or a specified
23			business site.
24	893.13(4)(a)	1st	Deliver to minor cocaine (or
25			other s. 893.03(1)(a), (1)(b),
26			(1)(d), (2)(a), or (2)(b) drugs).
27	893.135(1)(a)1.	1st	Trafficking in cannabis, more
28			than 50 lbs., less than 2,000
29			lbs.
30			
31			

1 893.135
2 (1)(b)1.a. 1st Trafficking in cocaine, more than
3 28 grams, less than 200 grams.
4 893.135
5 (1)(c)1.a. 1st Trafficking in illegal drugs,
6 more than 4 grams, less than 14
7 grams.
8 893.135
9 (1)(d)1. 1st Trafficking in phencyclidine,
10 more than 28 grams, less than 200
11 grams.
12 893.135(1)(e)1. 1st Trafficking in methaqualone, more
13 than 200 grams, less than 5
14 kilograms.
15 893.135(1)(f)1. 1st Trafficking in amphetamine, more
16 than 14 grams, less than 28
17 grams.
18 893.135
19 (1)(g)1.a. 1st Trafficking in flunitrazepam, 4
20 grams or more, less than 14
21 grams.

22 Section 4. Subsection (2) of section 110.151, Florida
23 Statutes, is amended to read:

24 110.151 State officers' and employees' child care
25 services.--

26 (2) Child care programs may be located in state-owned
27 office buildings, educational facilities and institutions,
28 custodial facilities and institutions, and, with the consent
29 of the President of the Senate and the Speaker of the House of
30 Representatives, in buildings or spaces used for legislative
31 activities. In addition, centers may be located in privately

1 owned buildings conveniently located to the place of
2 employment of those officers and employees to be served by the
3 centers. If a child care program is located in a state-owned
4 office building, educational facility or institution, or
5 custodial facility or institution, or in a privately owned
6 building leased by the state, a portion of the service
7 provider's rental fees for child care space may be waived by
8 the sponsoring agency in accordance with the rules of the
9 Department of Management Services. Additionally,the
10 sponsoring state agency may be responsible for the
11 maintenance, utilities, and other operating costs associated
12 with the ~~physical facility of the~~ child care center.

13 Section 5. This act shall take effect October 1, 1999,
14 except that this section and section 4 of this act shall take
15 effect July 1, 1999.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31