

By Senator Lynn

7-1327-03

1 A bill to be entitled
 2 An act relating to the licensure of child care
 3 homes and facilities; amending s. 402.310,
 4 F.S.; authorizing the Department of Children
 5 and Family Services or a local licensing agency
 6 to deny, suspend, or revoke the license of a
 7 child care facility, a licensed family day care
 8 home, or a large family child care home and to
 9 deny, suspend, or revoke the registration of a
 10 family day care home following a violation of
 11 certain laws or rules; amending s. 402.313,
 12 F.S.; requiring the department to establish
 13 minimum safety standards for licensed family
 14 day care homes; providing an effective date.

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

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 18 Section 1. Section 402.310, Florida Statutes, is
 19 amended to read:

20 402.310 Disciplinary actions; hearings upon denial,
 21 suspension, or revocation of license; administrative fines.--

22 (1)(a) The department or local licensing agency may
 23 deny, suspend, or revoke a license of a child care facility, a
 24 licensed family day care home, or a large family child care
 25 home or the registration of a family day care home, or may
 26 impose an administrative fine not to exceed \$100 per
 27 violation, per day, for the violation of any provision of ss.
 28 402.301-402.319 or rules adopted thereunder. However, where
 29 the violation could or does cause death or serious harm, the
 30 department or local licensing agency may impose an
 31 administrative fine, not to exceed \$500 per violation per day.

1 (b) In determining the appropriate disciplinary action
2 to be taken for a violation as provided in paragraph (a), the
3 following factors shall be considered:

4 1. The severity of the violation, including the
5 probability that death or serious harm to the health or safety
6 of any person will result or has resulted, the severity of the
7 actual or potential harm, and the extent to which the
8 provisions of ss. 402.301-402.319 have been violated.

9 2. Actions taken by the licensee or registrant to
10 correct the violation or to remedy complaints.

11 3. Any previous violations of the licensee.

12 (2) When the department has reasonable cause to
13 believe that grounds for the denial, suspension, or revocation
14 of a license or registration or imposition of an
15 administrative fine exist, it shall determine the matter in
16 accordance with procedures prescribed in chapter 120. When
17 the local licensing agency has reasonable cause to believe
18 that grounds for the denial, suspension, or revocation of a
19 license or registration or imposition of an administrative
20 fine exist, it shall notify the applicant, registrant, or
21 licensee in writing, stating the grounds upon which the
22 license or registration is being denied, suspended, or revoked
23 or an administrative fine is being imposed. If the applicant,
24 registrant, or licensee makes no written request for a hearing
25 to the local licensing agency within 15 days after ~~from~~
26 receipt of such notice, the license or registration shall be
27 deemed denied, suspended, or revoked or an administrative fine
28 shall be imposed.

29 (3) If a request for a hearing is made to the local
30 licensing agency, a hearing shall be held within 30 days and
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1 shall be conducted by an individual designated by the county
2 commission.

3 (4) An applicant, registrant, or licensee shall have
4 the right to appeal a decision of the local licensing agency
5 to a representative of the department. Any required hearing
6 shall be held in the county in which the child care facility
7 is being operated or is to be established. The hearing shall
8 be conducted in accordance with the provisions of chapter 120.

9 Section 2. Subsection (10) of section 402.313, Florida
10 Statutes, is amended to read:

11 402.313 Family day care homes.--

12 (10) The department shall, by rule, establish minimum
13 standards for family day care homes that are required to be
14 licensed by county licensing ordinance or county licensing
15 resolution or that voluntarily choose to be licensed. The
16 standards should include requirements for staffing, training,
17 maintenance of immunization records, minimum health and safety
18 standards, reduced standards for the regulation of child care
19 during evening hours ~~by municipalities and counties~~, and
20 enforcement of standards.

21 Section 3. This act shall take effect upon becoming a
22 law.

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25 SENATE SUMMARY

26 Authorizes the Department of Children and Family Services
27 or a local licensing agency to deny, suspend, or revoke
28 the license of a child care facility, a licensed family
29 day care home, or a large family child care home and to
30 deny, suspend, or revoke the registration of a family day
31 care home following a violation of laws or rules
governing the operation of such homes or facilities.
Requires that the department establish minimum safety
standards for licensed family day care homes.