

By the Committee on Children and Families; and Senator Lynn

300-2281-03

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.; abolishing the authority of the  
 13          Department of Children and Family Services or a  
 14          local licensing agency to impose an  
 15          administrative fine for family day care homes;  
 16          requiring the department to establish minimum  
 17          safety standards for licensed family day care  
 18          homes; amending s. 402.3131, F.S.; abolishing  
 19          the authority of the Department of Children and  
 20          Family Services or a local licensing agency to  
 21          impose an administrative fine for large family  
 22          child care homes; providing an effective date.

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

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 26           Section 1. Section 402.310, Florida Statutes, is  
 27 amended to read:  
 28           402.310 Disciplinary actions; hearings upon denial,  
 29 suspension, or revocation of license; administrative fines.--  
 30           (1)(a) The department or local licensing agency may  
 31 deny, suspend, or revoke a license of a child care facility, a

1 licensed family day care home, or a large family child care  
2 home or the registration of a family day care home,or may  
3 impose an administrative fine not to exceed \$100 per  
4 violation, per day, for the violation of any provision of ss.  
5 402.301-402.319 or rules adopted thereunder. However, where  
6 the violation could or does cause death or serious harm, the  
7 department or local licensing agency may impose an  
8 administrative fine, not to exceed \$500 per violation per day.

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

12 1. The severity of the violation, including the  
13 probability that death or serious harm to the health or safety  
14 of any person will result or has resulted, the severity of the  
15 actual or potential harm, and the extent to which the  
16 provisions of ss. 402.301-402.319 have been violated.

17 2. Actions taken by the licensee or registrant to  
18 correct the violation or to remedy complaints.

19 3. Any previous violations of the licensee.

20 (2) When the department has reasonable cause to  
21 believe that grounds for the denial, suspension, or revocation  
22 of a license or registration or imposition of an  
23 administrative fine exist, it shall determine the matter in  
24 accordance with procedures prescribed in chapter 120. When  
25 the local licensing agency has reasonable cause to believe  
26 that grounds for the denial, suspension, or revocation of a  
27 license or registration or imposition of an administrative  
28 fine exist, it shall notify the applicant, registrant,or  
29 licensee in writing, stating the grounds upon which the  
30 license or registration is being denied, suspended, or revoked  
31 or an administrative fine is being imposed. If the applicant,

1 registrant, or licensee makes no written request for a hearing  
2 to the local licensing agency within 15 days after ~~from~~  
3 receipt of such notice, the license or registration shall be  
4 deemed denied, suspended, or revoked or an administrative fine  
5 shall be imposed.

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

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

16 Section 2. Paragraph (b) of subsection (1) of section  
17 402.313, Florida Statutes is repealed, present paragraphs (c)  
18 and (d) of that subsection are redesignated as paragraphs (b)  
19 and (c), respectively, and subsection (10) of that section is  
20 amended, to read:

21 402.313 Family day care homes.--

22 (1) Family day care homes shall be licensed under this  
23 act if they are presently being licensed under an existing  
24 county licensing ordinance, if they are participating in the  
25 subsidized child care program, or if the board of county  
26 commissioners passes a resolution that family day care homes  
27 be licensed. If no county authority exists for the licensing  
28 of a family day care home, the department shall have the  
29 authority to license family day care homes under contract for  
30 the purchase-of-service system in the subsidized child care  
31 program.

1           ~~(b) The department or local licensing agency may~~  
2 ~~impose an administrative fine, not to exceed \$100, for failure~~  
3 ~~to comply with licensure or registration requirements.~~

4           (10) The department shall, by rule, establish minimum  
5 standards for family day care homes that are required to be  
6 licensed by county licensing ordinance or county licensing  
7 resolution or that voluntarily choose to be licensed. The  
8 standards should include requirements for staffing, training,  
9 maintenance of immunization records, minimum health and safety  
10 standards, reduced standards for the regulation of child care  
11 during evening hours ~~by municipalities and counties~~, and  
12 enforcement of standards.

13           Section 3. Paragraph (a) of subsection (1) of section  
14 402.3131, Florida Statutes, is repealed, and present  
15 paragraphs (b) and (c) of that section are redesignated as  
16 paragraphs (a) and (b), respectively, to read:

17           402.3131 Large family child care homes.--

18           (1) Large family child care homes shall be licensed  
19 under this section.

20           ~~(a) The department or local licensing agency may~~  
21 ~~impose an administrative fine, not to exceed \$1,000, for~~  
22 ~~failure to comply with licensure requirements.~~

23           Section 4. This act shall take effect upon becoming a  
24 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1554

Repeals the provision for imposing an administrative fine  
contained in the family day care home section of the statutes.

Repeals the provision for imposing an administrative fine  
contained in the large family child care home section of the  
statutes.