

Bill No. CS for SB 2568

Amendment No. ____ Barcode 493756

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2	04/29/2003	6/AD/2R	
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11 Senator Lynn moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 26, between lines 7 and 8,

15

16 insert:

17 Section 12. Section 402.310, Florida Statutes, is

18 amended to read:

19 402.310 Disciplinary actions; hearings upon denial,
20 suspension, or revocation of license; administrative fines.--

21 (1)(a) The department or local licensing agency may
22 deny, suspend, or revoke a license of a child care facility, a
23 licensed family day care home, or a large family child care
24 home or the registration of a family day care home, or may

25 impose an administrative fine not to exceed \$100 per
26 violation, per day, for the violation of any provision of ss.
27 402.301-402.319 or rules adopted thereunder. However, where
28 the violation could or does cause death or serious harm, the
29 department or local licensing agency may impose an
30 administrative fine, not to exceed \$500 per violation per day.

31 (b) In determining the appropriate disciplinary action

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1 to be taken for a violation as provided in paragraph (a), the
2 following factors shall be considered:

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

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

10 3. Any previous violations of the licensee.

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

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

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

7 Section 13. Paragraph (b) of subsection (1) of section
8 402.313, Florida Statutes is repealed, present paragraphs (c)
9 and (d) of that subsection are redesignated as paragraphs (b)
10 and (c), respectively, and subsection (10) of that section is
11 amended, to read:

12 402.313 Family day care homes.--

13 (1) Family day care homes shall be licensed under this
14 act if they are presently being licensed under an existing
15 county licensing ordinance, if they are participating in the
16 subsidized child care program, or if the board of county
17 commissioners passes a resolution that family day care homes
18 be licensed. If no county authority exists for the licensing
19 of a family day care home, the department shall have the
20 authority to license family day care homes under contract for
21 the purchase-of-service system in the subsidized child care
22 program.

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

26 (10) The department shall, by rule, establish minimum
27 standards for family day care homes that are required to be
28 licensed by county licensing ordinance or county licensing
29 resolution or that voluntarily choose to be licensed. The
30 standards should include requirements for staffing, training,
31 maintenance of immunization records, minimum health and safety

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1 standards, reduced standards for the regulation of child care
2 during evening hours ~~by municipalities and counties~~, and
3 enforcement of standards.

4 Section 14. Paragraph (a) of subsection (1) of section
5 402.3131, Florida Statutes, is repealed, and present
6 paragraphs (b) and (c) of that section are redesignated as
7 paragraphs (a) and (b), respectively, to read:

8 402.3131 Large family child care homes.--

9 (1) Large family child care homes shall be licensed
10 under this section.

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

14
15 (Redesignate subsequent sections.)

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17

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

19 And the title is amended as follows:

20 On page 4, line 8, after the semicolon

21
22 insert:

23 amending s. 402.310, F.S.; authorizing the
24 Department of Children and Family Services or a
25 local licensing agency to deny, suspend, or
26 revoke the license of a child care facility, a
27 licensed family day care home, or a large
28 family child care home and to deny, suspend, or
29 revoke the registration of a family day care
30 home following a violation of certain laws or
31 rules; amending s. 402.313, F.S.; abolishing

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1 the authority of the Department of Children and
2 Family Services or a local licensing agency to
3 impose an administrative fine for family day
4 care homes; requiring the department to
5 establish minimum safety standards for licensed
6 family day care homes; amending s. 402.3131,
7 F.S.; abolishing the authority of the
8 Department of Children and Family Services or a
9 local licensing agency to impose an
10 administrative fine for large family child care
11 homes;

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