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1 A bill to be entitled
 2 An act relating to family child care homes; amending ss.
 3 125.0109 and 166.0445, F.S.; redesignating family day care
 4 homes as family child care homes; deleting provisions
 5 relating to the regulation of registered family child care
 6 homes under local zoning regulations; conforming
 7 provisions to the licensure statute; amending s. 402.27,
 8 F.S.; requiring licensed family child care homes and large
 9 family child care homes to provide specified information
 10 to resource and referral agencies; amending s. 402.302,
 11 F.S.; defining the term "family child care home"; amending
 12 s. 402.3051, F.S.; deleting references to registered
 13 family child care homes; conforming provisions to the
 14 licensure statute; amending s. 402.306, F.S.; requiring
 15 the department and local licensing agencies to provide
 16 information on large family child care homes; deleting
 17 reference to registered family care homes; conforming
 18 provisions to the licensure statute; amending s. 402.312,
 19 F.S.; deleting provisions relating to the registration of
 20 family child care homes; amending s. 402.313, F.S.;
 21 requiring all family child care homes to be licensed;
 22 deleting provisions relating to registration of family
 23 child care homes; deleting provisions relating to
 24 voluntary licensing of family child care homes; requiring
 25 registered family child care homes to obtain a license by
 26 a specified date; requiring the Department of Children and
 27 Family Services to adopt rules for minimum licensing
 28 standards; amending ss. 409.1671 and 627.70161, F.S.;
 29 deleting provisions relating to registered family child

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30 care homes; conforming section to licensure statute;
 31 reenacting s. 400.953(3), F.S., relating to proof of
 32 compliance with background screening requirements, to
 33 incorporate the amendment to s. 402.313, F.S., in
 34 references thereto; providing that the act will not take
 35 effect unless a specified number of positions are funded
 36 for licensing family child care homes; providing an
 37 effective date.

38

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

40

41 Section 1. Section 125.0109, Florida Statutes, is amended
 42 to read:

43 125.0109 Family child day care homes; local zoning
 44 regulation.--The operation of a residence as a family child day
 45 care home, as defined by law, ~~registered or~~ licensed with the
 46 Department of Children and Family Services constitutes ~~shall~~
 47 ~~constitute~~ a valid residential use for purposes of any local
 48 zoning regulations, and the no-such regulation may not ~~shall~~
 49 require the owner or operator of such family child day care home
 50 to obtain any special exemption or use permit or waiver, or to
 51 pay any special fee in excess of \$50, to operate in an area
 52 zoned for residential use.

53 Section 2. Section 166.0445, Florida Statutes, is amended
 54 to read:

55 166.0445 Family child day care homes; local zoning
 56 regulation.--The operation of a residence as a family child day
 57 care home, as defined by law, ~~registered or~~ licensed with the
 58 Department of Children and Family Services constitutes ~~shall~~

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59 ~~constitute~~ a valid residential use for purposes of any local
 60 zoning regulations, and the ~~no such~~ regulation may not ~~shall~~
 61 require the owner or operator of such family child day care home
 62 to obtain any special exemption or use permit or waiver, or to
 63 pay any special fee in excess of \$50, to operate in an area
 64 zoned for residential use.

65 Section 3. Subsection (10) of section 402.27, Florida
 66 Statutes, is amended to read:

67 402.27 Child care and early childhood resource and
 68 referral.--The Department of Children and Family Services shall
 69 establish a statewide child care resource and referral network.
 70 Preference shall be given to using the already established
 71 central agencies for subsidized child care as the child care
 72 resource and referral agency. If the agency cannot comply with
 73 the requirements to offer the resource information component or
 74 does not want to offer that service, the Department of Children
 75 and Family Services shall select the resource information agency
 76 based upon a request for proposal. At least one child care
 77 resource and referral agency must be established in each
 78 district of the department, but no more than one may be
 79 established in any county. Child care resource and referral
 80 agencies shall provide the following services:

81 (10) A child care facility licensed under s. 402.305 and a
 82 ~~licensed and registered~~ family child day care home or large
 83 family child care home licensed under s. 402.313 or s. 402.3131,
 84 respectively, ~~homes~~ must provide the statewide child care and
 85 resource and referral agencies with the following information
 86 annually:

87 (a) Type of program.

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88 (b) Hours of service.

89 (c) Ages of children served.

90 (d) Fees and eligibility for services.

91 Section 4. Subsections (3), (7), and (8) of section
 92 402.302, Florida Statutes, are amended to read:

93 402.302 Definitions.--

94 (3) "Child care personnel" means all owners, operators,
 95 employees, and volunteers working in a child care facility. The
 96 term does not include persons who work in a child care facility
 97 after hours when children are not present or parents of children
 98 in Head Start. For purposes of screening, the term includes any
 99 member, over the age of 12 years, of a child care facility
 100 operator's family, or person, over the age of 12 years, residing
 101 with a child care facility operator if the child care facility
 102 is located in or adjacent to the home of the operator or if the
 103 family member of, or person residing with, the child care
 104 facility operator has any direct contact with the children in
 105 the facility during its hours of operation. Members of the
 106 operator's family or persons residing with the operator who are
 107 between the ages of 12 years and 18 years shall not be required
 108 to be fingerprinted but shall be screened for delinquency
 109 records. For purposes of screening, the term shall also include
 110 persons who work in child care programs that ~~which~~ provide care
 111 for children 15 hours or more each week in public or nonpublic
 112 schools, summer day camps, family child ~~day~~ care homes, or those
 113 programs otherwise exempted under s. 402.316. The term does not
 114 include public or nonpublic school personnel who are providing
 115 care during regular school hours, or after hours for activities
 116 related to a school's program for grades kindergarten through

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117 12. A volunteer who assists on an intermittent basis for less
 118 than 40 hours per month is not included in the term "personnel"
 119 for the purposes of screening and training, provided that the
 120 volunteer is under direct and constant supervision by persons
 121 who meet the personnel requirements of s. 402.305(2). Students
 122 who observe and participate in a child care facility as a part
 123 of their required coursework shall not be considered child care
 124 personnel, provided the ~~such~~ observation and participation are
 125 on an intermittent basis and the students are under direct and
 126 constant supervision of child care personnel.

127 (7) "Family day care home" or "family child care home"
 128 means an occupied residence in which child care is regularly
 129 provided for children from at least two unrelated families and
 130 which receives a payment, fee, or grant for any of the children
 131 receiving care, whether or not operated for profit. A family
 132 child ~~day~~ care home shall be allowed to provide care for one of
 133 the following groups of children, which shall include those
 134 children under 13 years of age who are related to the caregiver:

135 (a) A maximum of four children from birth to 12 months of
 136 age.

137 (b) A maximum of three children from birth to 12 months of
 138 age, and other children, for a maximum total of six children.

139 (c) A maximum of six preschool children if all are older
 140 than 12 months of age.

141 (d) A maximum of 10 children if no more than 5 are
 142 preschool age and, of those 5, no more than 2 are under 12
 143 months of age.

144 (8) "Large family child care home" means an occupied
 145 residence in which child care is regularly provided for children

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146 from at least two unrelated families, which receives a payment,
 147 fee, or grant for any of the children receiving care, whether or
 148 not operated for profit, and which has at least two full-time
 149 child care personnel on the premises during the hours of
 150 operation. One of the two full-time child care personnel must be
 151 the owner or occupant of the residence. A large family child
 152 care home must first have operated as a licensed family child
 153 ~~day~~ care home for 2 years, with an operator who has had a child
 154 development associate credential or its equivalent for 1 year,
 155 before seeking licensure as a large family child care home. A
 156 large family child care home shall be allowed to provide care
 157 for one of the following groups of children, which shall include
 158 those children under 13 years of age who are related to the
 159 caregiver:

160 (a) A maximum of 8 children from birth to 24 months of
 161 age.

162 (b) A maximum of 12 children, with no more than 4 children
 163 under 24 months of age.

164 Section 5. Paragraph (b) of subsection (1) and subsection
 165 (2) of section 402.3051, Florida Statutes, are amended to read:

166 402.3051 Child care market rate reimbursement; child care
 167 grants.--

168 (1) As used in this section, the term:

169 (b) "Market rate" means the price that a child care
 170 provider charges for daily, weekly, or monthly child care
 171 services. Market rate shall:

172 1. Be established for licensed child care facilities or
 173 facilities that are not subject to s. 402.305, licensed ~~or~~
 174 ~~registered~~ family child ~~day~~ care homes, licensed before-school

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175 and after-school child care programs, and unregulated care
 176 provided by a relative or other caretaker.

177 2. Differentiate among child care for children with
 178 special needs or risk categories, infants, toddlers, and
 179 preschool and school-age children.

180 3. Differentiate between full-time and part-time care.

181 4. Consider reductions in the cost of care for additional
 182 children in the same family.

183 (2) The department shall establish procedures to reimburse
 184 licensed or, ~~exempt, or registered~~ child care providers who hold
 185 a Gold Seal Quality Care designation at the market rate for
 186 child care services for children who are eligible to receive
 187 subsidized child care; and licensed or, ~~exempt, or registered~~
 188 child care providers at the prevailing market rate for child
 189 care services for children who are eligible to receive
 190 subsidized child care, unless prohibited by federal law under s.
 191 402.3015. The department shall establish procedures to reimburse
 192 providers of unregulated child care at not more than 50 percent
 193 of the market rate. The payment system may not interfere with
 194 the parents' decision as to the appropriate child care
 195 arrangement, regardless of the level of available funding for
 196 child care. The child care program assessment tool may not be
 197 used to determine reimbursement rates.

198 Section 6. Subsection (3) of section 402.306, Florida
 199 Statutes, is amended to read:

200 402.306 Designation of licensing agency; dissemination by
 201 the department and local licensing agency of information on
 202 child care.--

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203 (3) The department and local licensing agencies, or their
 204 ~~the designees thereof~~, shall coordinate and disseminate ~~be~~
 205 ~~responsible for coordination and dissemination of~~ information on
 206 child care to the community. ~~and shall make available~~ Upon
 207 request, the department and each local licensing agency must
 208 make available to the public all licensing standards and
 209 procedures, ~~in addition to~~ the names and addresses of licensed
 210 child care facilities and, where applicable pursuant to ~~ss. s-~~
 211 402.313 and 402.3131, licensed ~~or registered~~ family child day
 212 care homes and large family child care homes.

213 Section 7. Section 402.312, Florida Statutes, is amended
 214 to read:

215 402.312 License required; injunctive relief.--

216 (1) The operation of a child care facility ~~without a~~
 217 ~~license~~, a family child day care home ~~without a license or~~
 218 ~~registration~~, or a large family child care home without a
 219 license is prohibited. If the department or the local licensing
 220 agency discovers that a child care facility ~~is being operated~~
 221 ~~without a license~~, a family child day care home ~~is being~~
 222 ~~operated without a license or registration~~, or a large family
 223 child care home is being operated without a license, the
 224 department or local licensing agency is authorized to seek an
 225 injunction in the circuit court where the facility is located to
 226 enjoin continued operation of such facility, family child day
 227 care home, or large family child care home. When the court is
 228 closed for the transaction of judicial business, the department
 229 or local licensing agency is authorized to seek an emergency
 230 injunction to enjoin continued operation of such unlicensed
 231 facility, ~~unregistered or unlicensed~~ family child day care home,

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232 or ~~unlicensed~~ large family child care home, which injunction
 233 shall be continued, modified, or revoked on the next day of
 234 judicial business.

235 (2) Other grounds for seeking an injunction to close a
 236 child care facility, family child day care home, or a large
 237 family child care home are that:

238 (a) There is any violation of the standards applied under
 239 ss. 402.301-402.319 which threatens harm to any child in the
 240 child care facility, a family child day care home, or large
 241 family child care home.

242 (b) A licensee ~~or registrant~~ has repeatedly violated the
 243 standards provided for under ss. 402.301-402.319.

244 (c) A child care facility, family child day care home, or
 245 large family child care home continues to have children in
 246 attendance after the closing date established by the department
 247 or the local licensing agency.

248 (3) The department or local licensing agency may impose an
 249 administrative fine on any child care facility, family child day
 250 care home, or large family child care home operating without a
 251 license ~~or registration~~, consistent with the provisions of s.
 252 402.310.

253 Section 8. Section 402.313, Florida Statutes, is amended
 254 to read:

255 402.313 Family child day care homes.--

256 (1) Family child day care homes shall be licensed under
 257 this section. ~~act if they are presently being licensed under an~~
 258 ~~existing county licensing ordinance, if they are participating~~
 259 ~~in the subsidized child care program, or if the board of county~~
 260 ~~commissioners passes a resolution that family day care homes be~~

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261 ~~licensed. If no county authority exists for the licensing of a~~
 262 ~~family day care home, the department shall have the authority to~~
 263 ~~license family day care homes under contract for the purchase-~~
 264 ~~of service system in the subsidized child care program.~~

265 ~~(a) If not subject to license, family day care homes shall~~
 266 ~~register annually with the department, providing the following~~
 267 ~~information:~~

268 ~~1. The name and address of the home.~~

269 ~~2. The name of the operator.~~

270 ~~3. The number of children served.~~

271 ~~4. Proof of a written plan to provide at least one other~~
 272 ~~competent adult to be available to substitute for the operator~~
 273 ~~in an emergency. This plan shall include the name, address, and~~
 274 ~~telephone number of the designated substitute.~~

275 ~~5. Proof of screening and background checks.~~

276 ~~6. Proof of successful completion of the 30-hour training~~
 277 ~~course, as evidenced by passage of a competency examination,~~
 278 ~~which shall include:~~

279 ~~a. State and local rules and regulations that govern child~~
 280 ~~care.~~

281 ~~b. Health, safety, and nutrition.~~

282 ~~c. Identifying and reporting child abuse and neglect.~~

283 ~~d. Child development, including typical and atypical~~
 284 ~~language development; and cognitive, motor, social, and self-~~
 285 ~~help skills development.~~

286 ~~e. Observation of developmental behaviors, including using~~
 287 ~~a checklist or other similar observation tools and techniques to~~
 288 ~~determine a child's developmental level.~~

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289 ~~f. Specialized areas, including early literacy and~~
 290 ~~language development of children from birth to 5 years of age,~~
 291 ~~as determined by the department, for owner-operators of family~~
 292 ~~day care homes.~~

293 ~~7. Proof that immunization records are kept current.~~

294 ~~8. Proof of completion of the required continuing~~
 295 ~~education units or clock hours.~~

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

299 ~~(c) A family day care home not participating in the~~
 300 ~~subsidized child care program may volunteer to be licensed under~~
 301 ~~the provisions of this act.~~

302 ~~(b)(d)~~ The department may provide technical assistance to
 303 counties and family child day care home providers to enable
 304 counties and family child day care providers to achieve
 305 compliance with family child day care homes standards.

306 (2) ~~This~~ Information shall be ~~included in a directory to~~
 307 ~~be~~ published annually by the department to inform the public of
 308 available child care facilities.

309 (3) Child care personnel in family child day care homes
 310 shall be subject to the applicable screening provisions
 311 contained in ss. 402.305(2) and 402.3055. For purposes of
 312 screening in family child day care homes, the term includes any
 313 member over the age of 12 years of a family child day care home
 314 operator's family, or persons over the age of 12 years residing
 315 with the operator in the family child day care home. Members of
 316 the operator's family, or persons residing with the operator,
 317 who are between the ages of 12 years and 18 years shall not be

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318 required to be fingerprinted, but shall be screened for
 319 delinquency records.

320 (4) Operators of family child ~~day~~ care homes must
 321 successfully complete an approved 30-clock-hour introductory
 322 course in child care, as evidenced by passage of a competency
 323 examination, before caring for children.

324 (5) In order to further develop their child care skills
 325 and, if appropriate, their administrative skills, operators of
 326 family child ~~day~~ care homes shall be required to complete an
 327 additional 1 continuing education unit of approved training or
 328 10 clock hours of equivalent training, as determined by the
 329 department, annually.

330 (6) Operators of family child ~~day~~ care homes shall be
 331 required to complete 0.5 continuing education unit of approved
 332 training in early literacy and language development of children
 333 from birth to 5 years of age one time. The year that this
 334 training is completed, it shall fulfill the 0.5 continuing
 335 education unit or 5 clock hours of the annual training required
 336 in subsection (5).

337 (7) Operators of family child ~~day~~ care homes shall be
 338 required annually to complete a health and safety home
 339 inspection self-evaluation checklist developed by the department
 340 in conjunction with the statewide resource and referral program.
 341 The completed checklist shall be signed by the operator of the
 342 family child ~~day~~ care home and provided to parents as
 343 certification that basic health and safety standards are being
 344 met.

345 (8) Family child ~~day~~ care home operators may avail
 346 themselves of supportive services offered by the department.

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347 (9) The department shall prepare a brochure on family
 348 child day care for distribution by the department and by local
 349 licensing agencies, if appropriate, to family child day care
 350 homes for distribution to parents utilizing such child care, and
 351 to all interested persons, including physicians and other health
 352 professionals; mental health professionals; school teachers or
 353 other school personnel; social workers or other professional
 354 child care, foster care, residential, or institutional workers;
 355 and law enforcement officers. The brochure shall, at a minimum,
 356 contain the following information:

357 (a) A brief description of the requirements for family
 358 child day care licensure ~~registration~~, training, and
 359 fingerprinting and screening.

360 (b) A listing of those counties that license ~~require~~
 361 ~~licensure of~~ family child day care homes. Such counties shall
 362 provide an addendum to the brochure that provides a brief
 363 description of the licensure requirements or may provide a
 364 brochure in lieu of the one described in this subsection,
 365 provided it contains all the required information on licensure
 366 and the required information in the subsequent paragraphs.

367 (c) A statement indicating that information about the
 368 family child day care home's compliance with applicable state or
 369 local requirements can be obtained by telephoning the department
 370 office or the office of the local licensing agency, if
 371 appropriate, at a telephone number or numbers which shall be
 372 affixed to the brochure.

373 (d) The statewide toll-free telephone number of the
 374 central abuse hotline, together with a notice that reports of
 375 suspected and actual child physical abuse, sexual abuse, and

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376 neglect are received and referred for investigation by the
377 hotline.

378 (e) Any other information relating to competent child care
379 that the department or local licensing agency, if preparing a
380 separate brochure, deems would be helpful to parents and other
381 caretakers in their selection of a family child day care home.

382 (10) On an annual basis, the department shall evaluate the
383 ~~registration and licensure~~ system for family child day care
384 homes. Such evaluation shall, at a minimum, address the
385 following:

386 (a) The number of family child day care homes ~~registered~~
387 ~~and~~ licensed and the dates of such ~~registration and~~ licensure.

388 (b) The number of children being served in ~~both registered~~
389 ~~and~~ licensed family child day care homes and any available slots
390 in such homes.

391 (c) The number of complaints received concerning family
392 child day care, the nature of the complaints, and the resolution
393 of such complaints.

394 (d) The training activities used ~~utilized~~ by child care
395 personnel in family child day care homes for meeting the state
396 or local training requirements.

397
398 The evaluation shall be used ~~utilized~~ by the department in any
399 administrative modifications or adjustments to be made in the
400 licensure ~~registration~~ of family child day care homes or in any
401 legislative requests for modifications to the system of
402 licensure ~~registration~~ or to other requirements for family child
403 day care homes.

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404 (11) In order to inform the public of the state
 405 requirement for licensure ~~registration~~ of family child day care
 406 homes as well as the other requirements for such homes to
 407 legally operate in the state, the department shall institute a
 408 media campaign to accomplish this end. Such a campaign shall
 409 include, at a minimum, flyers, newspaper advertisements, radio
 410 advertisements, and television advertisements.

411 (12) Notwithstanding any other state or local law or
 412 ordinance, any family child day care home licensed pursuant to
 413 this chapter or pursuant to a county ordinance shall be charged
 414 the utility rates accorded to a residential home. A licensed
 415 family child day care home may not be charged commercial utility
 416 rates.

417 (13) The department shall, by rule, establish minimum
 418 licensing standards for family child day care homes ~~that are~~
 419 ~~required to be licensed by county licensing ordinance or county~~
 420 ~~licensing resolution or that voluntarily choose to be licensed.~~
 421 The standards should include requirements for staffing,
 422 training, maintenance of immunization records, minimum health
 423 and safety standards, reduced standards for the regulation of
 424 child care during evening hours ~~by municipalities and counties,~~
 425 and enforcement of standards.

426 Section 9. Each family child care home that is registered
 427 with the Department of Children and Family Services or a local
 428 licensing agency on June 30, 2004, must obtain a license from
 429 the department as required under s. 402.313, Florida Statutes,
 430 by July 1, 2005.

431 Section 10. Paragraph (b) of subsection (5) of section
 432 409.1671, Florida Statutes, is amended to read:

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433 409.1671 Foster care and related services;
 434 privatization.--

435 (5)

436 (b) Substitute care providers who are licensed under s.
 437 409.175 and have contracted with a lead agency authorized under
 438 this section shall also be authorized to provide ~~registered or~~
 439 licensed family child day care homes under s. 402.313, if
 440 consistent with federal law and if the home has met the
 441 requirements of s. 402.313.

442 Section 11. Section 627.70161, Florida Statutes, is
 443 amended to read:

444 627.70161 Family child day care home insurance.--

445 (1) PURPOSE AND INTENT.--The Legislature recognizes that
 446 family child day care homes fulfill a vital role in providing
 447 child care in Florida. It is the intent of the Legislature that
 448 residential property insurance coverage should not be canceled,
 449 denied, or nonrenewed solely on the basis of the family child
 450 day care services at the residence. The Legislature also
 451 recognizes that the potential liability of residential property
 452 insurers is substantially increased by the rendition of child
 453 care services on the premises. The Legislature therefore finds
 454 that there is a public need to specify that contractual
 455 liabilities that arise in connection with the operation of the
 456 family child day care home are excluded from residential
 457 property insurance policies unless they are specifically
 458 included in such coverage.

459 (2) DEFINITIONS.--As used in this section, the term:

460 (a) "Child care" means the care, protection, and
 461 supervision of a child, for a period of less than 24 hours a day

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462 on a regular basis, which supplements parental care, enrichment,
 463 and health supervision for the child, in accordance with his or
 464 her individual needs, and for which a payment, fee, or grant is
 465 made for care.

466 (b) "Family child ~~day~~ care home" means an occupied
 467 residence in which child care is regularly provided for children
 468 from at least two unrelated families and which receives a
 469 payment, fee, or grant for any of the children receiving care,
 470 whether or not operated for a profit.

471 (3) FAMILY CHILD DAY CARE; COVERAGE.--A residential
 472 property insurance policy shall not provide coverage for
 473 liability for claims arising out of, or in connection with, the
 474 operation of a family child ~~day~~ care home, and the insurer shall
 475 be under no obligation to defend against lawsuits covering such
 476 claims, unless:

477 (a) Specifically covered in a policy; or

478 (b) Covered by a rider or endorsement for business
 479 coverage attached to a policy.

480 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.--An
 481 insurer may not deny, cancel, or refuse to renew a policy for
 482 residential property insurance solely on the basis that the
 483 policyholder or applicant operates a family child ~~day~~ care home.
 484 In addition to other lawful reasons for refusing to insure, an
 485 insurer may deny, cancel, or refuse to renew a policy of a
 486 family child ~~day~~ care home provider if one or more of the
 487 following conditions occur:

488 (a) The policyholder or applicant provides care for more
 489 children than authorized for family child ~~day~~ care homes by s.
 490 402.302;

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491 (b) The policyholder or applicant fails to maintain a
 492 separate commercial liability policy or an endorsement providing
 493 liability coverage for the family child ~~day~~ care home
 494 operations;

495 (c) The policyholder or applicant fails to comply with the
 496 family child ~~day~~ care home licensure ~~and registration~~
 497 requirements specified in s. 402.313; or

498 (d) Discovery of willful or grossly negligent acts or
 499 omissions or any violations of state laws or regulations
 500 establishing safety standards for family child ~~day~~ care homes by
 501 the named insured or his or her representative which materially
 502 increase any of the risks insured.

503 Section 12. For the purpose of incorporating the amendment
 504 made by this act to section 402.313, Florida Statutes, in
 505 references thereto, subsection (3) of section 400.953, Florida
 506 Statutes, is reenacted to read:

507 400.953 Background screening of home medical equipment
 508 provider personnel.--The agency shall require employment
 509 screening as provided in chapter 435, using the level 1
 510 standards for screening set forth in that chapter, for home
 511 medical equipment provider personnel.

512 (3) Proof of compliance with the screening requirements of
 513 s. 110.1127, s. 393.0655, s. 394.4572, s. 397.451, s. 402.305,
 514 s. 402.313, s. 409.175, s. 464.008, or s. 985.407 or this part
 515 must be accepted in lieu of the requirements of this section if
 516 the person has been continuously employed in the same type of
 517 occupation for which he or she is seeking employment without a
 518 breach in service that exceeds 180 days, the proof of compliance
 519 is not more than 2 years old, and the person has been screened

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520 by the Department of Law Enforcement. An employer or contractor
521 shall directly provide proof of compliance to another employer
522 or contractor, and a potential employer or contractor may not
523 accept any proof of compliance directly from the person
524 requiring screening. Proof of compliance with the screening
525 requirements of this section shall be provided, upon request, to
526 the person screened by the home medical equipment provider.

527 Section 13. This act shall not take effect unless
528 sufficient funds are allocated in a specific appropriation or in
529 the General Appropriations Act for the 2004-2005 fiscal year to
530 fund 30 additional positions for licensing family child care
531 homes.

532 Section 14. This act shall take effect July 1, 2004.