

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A bill to be entitled
 An act relating to child care health and safety; amending
 s. 402.302, F.S.; authorizing the screening of child care
 volunteers; amending s. 402.310, F.S.; providing for the
 registration of a family day care home to be suspended or
 revoked; providing that a consistent administrative fine
 may be imposed for all provider types, in addition to or
 in lieu of other disciplinary actions; amending ss.
 402.313 and 402.3131, F.S.; removing conflicting language
 relating to an administrative fine; providing an effective
 date.

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

Section 1. Subsection (13) of section 402.302, Florida
 Statutes, is amended to read:

402.302 Definitions.--

(13) "Screening" means the act of assessing the background
 of child care personnel and volunteers and includes, but is not
 limited to, employment history checks, local criminal records
 checks through local law enforcement agencies, fingerprinting
 for all purposes and checks in this subsection, statewide
 criminal records checks through the Department of Law
 Enforcement, and federal criminal records checks through the
 Federal Bureau of Investigation; ~~except that screening for~~
~~volunteers included under the definition of personnel includes~~
~~only local criminal records checks through local law enforcement~~
~~agencies for current residence and residence immediately prior~~

29 ~~to employment as a volunteer, if different, and statewide~~
 30 ~~criminal records correspondence checks through the Department of~~
 31 ~~Law Enforcement.~~

32 Section 2. Section 402.310, Florida Statutes, is amended
 33 to read:

34 402.310 Disciplinary actions; hearings upon denial,
 35 suspension, or revocation of license or registration;
 36 administrative fines.--

37 (1)(a) The department or local licensing agency may
 38 administer any of the following disciplinary actions for the
 39 violation of any provision of ss. 402.301-402.319 or rules
 40 adopted thereunder: deny, suspend, or revoke a license or

41 1. Impose an administrative fine not to exceed \$100 per
 42 violation, per day, for the violation of any provision of ss.
 43 402.301-402.319 or rules adopted thereunder. However, if where
 44 the violation could or does cause death or serious harm, the
 45 department or local licensing agency may impose an
 46 administrative fine, not to exceed \$500 per violation per day,
 47 in addition to or in lieu of any other disciplinary action
 48 imposed pursuant to this section.

49 2. Deny, suspend, or revoke a license or registration.

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

53 1. The severity of the violation, including the
 54 probability that death or serious harm to the health or safety
 55 of any person will result or has resulted, the severity of the

56 actual or potential harm, and the extent to which the provisions
 57 of ss. 402.301-402.319 have been violated.

58 2. Actions taken by the licensee or registrant to correct
 59 the violation or to remedy complaints.

60 3. Any previous violations of the licensee or registrant.

61 (2) When the department has reasonable cause to believe
 62 that grounds exist for the denial, suspension, or revocation of
 63 a license or registration or the imposition of an administrative
 64 fine ~~exist~~, it shall determine the matter in accordance with
 65 procedures prescribed in chapter 120. When the local licensing
 66 agency has reasonable cause to believe that grounds exist for
 67 the denial, suspension, or revocation of a license or
 68 registration or imposition of an administrative fine ~~exist~~, it
 69 shall notify the applicant, registrant, or licensee in writing,
 70 stating the grounds upon which the license or registration is
 71 being denied, suspended, or revoked or an administrative fine is
 72 being imposed. If the applicant, registrant, or licensee makes
 73 no written request for a hearing to the local licensing agency
 74 within 15 days from receipt of such notice, the license or
 75 registration shall be deemed denied, suspended, or revoked or an
 76 administrative fine shall be imposed.

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

81 (4) An applicant, registrant, or licensee shall have the
 82 right to appeal a decision of the local licensing agency to a
 83 representative of the department. Any required hearing shall be

84 held in the county in which the child care facility, family day
 85 care home, or large family child care home is being operated or
 86 is to be established. The hearing shall be conducted in
 87 accordance with the provisions of chapter 120.

88 Section 3. Paragraphs (b), (c), and (d) of subsection (1)
 89 and subsection (13) of section 402.313, Florida Statutes, are
 90 amended to read:

91 402.313 Family day care homes.--

92 (1) Family day care homes shall be licensed under this act
 93 if they are presently being licensed under an existing county
 94 licensing ordinance, if they are participating in the subsidized
 95 child care program, or if the board of county commissioners
 96 passes a resolution that family day care homes be licensed. If
 97 no county authority exists for the licensing of a family day
 98 care home, the department shall have the authority to license
 99 family day care homes under contract for the purchase-of-service
 100 system in the subsidized child care program.

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

104 (b)(e) A family day care home not participating in the
 105 subsidized child care program may volunteer to be licensed under
 106 the provisions of this act.

107 (c)(d) The department may provide technical assistance to
 108 counties and family day care home providers to enable counties
 109 and family day care providers to achieve compliance with family
 110 day care homes standards.

111 (13) The department shall, by rule, establish minimum
 112 standards for family day care homes that are required to be
 113 licensed by county licensing ordinance or county licensing
 114 resolution or that voluntarily choose to be licensed. The
 115 standards should include requirements for staffing, training,
 116 maintenance of immunization records, minimum health and safety
 117 standards, reduced standards for the regulation of child care
 118 during evening hours by municipalities and counties, and
 119 enforcement of standards.

120 Section 4. Subsection (1) of section 402.3131, Florida
 121 Statutes, is amended to read:

122 402.3131 Large family child care homes.--

123 (1) Large family child care homes shall be licensed under
 124 this section.

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

128 (a)~~(b)~~ A licensed family day care home must first have
 129 operated for a minimum of 2 consecutive years, with an operator
 130 who has had a child development associate credential or its
 131 equivalent for 1 year, before seeking licensure as a large
 132 family child care home.

133 (b)~~(e)~~ The department may provide technical assistance to
 134 counties and family day care home providers to enable the
 135 counties and providers to achieve compliance with minimum
 136 standards for large family child care homes.

137 Section 5. This act shall take effect July 1, 2005.