

1 for all purposes and checks in this subsection, statewide
2 criminal records checks through the Department of Law
3 Enforcement, and federal criminal records checks through the
4 Federal Bureau of Investigation; ~~except that screening for~~
5 ~~volunteers included under the definition of personnel includes~~
6 ~~only local criminal records checks through local law~~
7 ~~enforcement agencies for current residence and residence~~
8 ~~immediately prior to employment as a volunteer, if different,~~
9 ~~and statewide criminal records correspondence checks through~~
10 ~~the Department of Law Enforcement.~~

11 Section 2. Section 402.310, Florida Statutes, is
12 amended to read:

13 402.310 Disciplinary actions; hearings upon denial,
14 suspension, or revocation of license or registration;
15 administrative fines.--

16 (1)(a) The department or local licensing agency may
17 administer any of the following disciplinary sanctions for a
18 violation of ss. 402.301-402.319, or rules adopted thereunder:
19 ~~deny, suspend, or revoke a license or~~

20 1. Impose an administrative fine not to exceed \$100
21 per violation, per day, ~~for the violation of any provision of~~
22 ~~ss. 402.301-402.319 or rules adopted thereunder.~~ However, if
23 ~~where~~ the violation could or does cause death or serious harm,
24 the department or local licensing agency may impose an
25 administrative fine, not to exceed \$500 per violation per day,
26 in addition to or in lieu of any other disciplinary action
27 imposed under this section; or

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

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

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

6 2. Actions taken by the licensee or registrant to
7 correct the violation or to remedy complaints.

8 3. Any previous violations of the licensee or
9 registrant.

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

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

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

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

11 402.313 Family day care homes.--

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

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

25 (b)(e) A family day care home not participating in the
26 subsidized child care program may volunteer to be licensed
27 under ~~the provisions~~ of this act.

28 (c)(d) The department may provide technical assistance
29 to counties and family day care home providers to enable
30 counties and family day care providers to achieve compliance
31 with family day care homes standards.

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

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

12 402.3131 Large family child care homes.--

13 (1) Large family child care homes shall be licensed
14 under this section.

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

18 (a)(b) A licensed family day care home must first have
19 operated for a minimum of 2 consecutive years, with an
20 operator who has had a child development associate credential
21 or its equivalent for 1 year, before seeking licensure as a
22 large family child care home.

23 (b)(c) The department may provide technical assistance
24 to counties and family day care home providers to enable the
25 counties and providers to achieve compliance with minimum
26 standards for large family child care homes.

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

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
29
30
31

SENATE SUMMARY

Redefines the term "screening" to allow the Department of Children and Family Services to screen volunteers for past employment and criminal histories. Provides that the registration of a family day care home is subject to certain disciplinary actions. Provides that a consistent administrative fine may be imposed for all provider types, in addition to or in lieu of other disciplinary actions. Lists the factors the department must consider when selecting a disciplinary action against a licensee or registrant. Provides an applicant, licensee, and registrant the right to appeal.