

By Senator Lynn

7-337-05

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

1 requiring the Department of Children and Family  
2 Services to adopt rules for minimum licensing  
3 standards; amending ss. 409.1671 and 627.70161,  
4 F.S.; deleting provisions relating to  
5 registered family child care homes; conforming  
6 provisions to the licensure statute; reenacting  
7 s. 400.953(3), F.S., relating to proof of  
8 compliance with background screening  
9 requirements, to incorporate the amendment to  
10 s. 402.313, F.S., in a reference thereto;  
11 providing that the act will not take effect  
12 unless a specified number of positions are  
13 funded for licensing family child care homes;  
14 providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 125.0109, Florida Statutes, is  
19 amended to read:

20 125.0109 Family child day care homes; local zoning  
21 regulation.--The operation of a residence as a family child  
22 ~~day~~ care home, as defined by law, ~~registered or~~ licensed with  
23 the Department of Children and Family Services constitutes  
24 ~~shall constitute~~ a valid residential use for purposes of any  
25 local zoning regulations, and the no-such regulation may not  
26 ~~shall~~ require the owner or operator of the such family child  
27 ~~day~~ care home to obtain any special exemption or use permit or  
28 waiver, or to pay any special fee in excess of \$50, to operate  
29 in an area zoned for residential use.

30 Section 2. Section 166.0445, Florida Statutes, is  
31 amended to read:

1           166.0445 Family child day care homes; local zoning  
2 regulation.--The operation of a residence as a family child  
3 day care home, as defined by law, ~~registered or~~ licensed with  
4 the Department of Children and Family Services constitutes  
5 ~~shall constitute~~ a valid residential use for purposes of any  
6 local zoning regulations, and the no such regulation may not  
7 ~~shall~~ require the owner or operator of the such family child  
8 day care home to obtain any special exemption or use permit or  
9 waiver, or to pay any special fee in excess of \$50, to operate  
10 in an area zoned for residential use.

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

13           402.27 Child care and early childhood resource and  
14 referral.--The Department of Children and Family Services  
15 shall establish a statewide child care resource and referral  
16 network. Preference shall be given to using the already  
17 established central agencies for subsidized child care as the  
18 child care resource and referral agency. If the agency cannot  
19 comply with the requirements to offer the resource information  
20 component or does not want to offer that service, the  
21 Department of Children and Family Services shall select the  
22 resource information agency based upon a request for proposal.  
23 At least one child care resource and referral agency must be  
24 established in each district of the department, but no more  
25 than one may be established in any county. Child care  
26 resource and referral agencies shall provide the following  
27 services:

28           (10) A child care facility licensed under s. 402.305  
29 and ~~a licensed and registered~~ family child day care home or  
30 large family child care home licensed under s. 402.313 or s.  
31 402.3131, respectively, homes must provide the statewide child

1 care and resource and referral agencies with the following  
2 information annually:

- 3 (a) Type of program.  
4 (b) Hours of service.  
5 (c) Ages of children served.  
6 (d) Fees and eligibility for services.

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

9 402.302 Definitions.--

10 (3) "Child care personnel" means all owners,  
11 operators, employees, and volunteers working in a child care  
12 facility. The term does not include persons who work in a  
13 child care facility after hours when children are not present  
14 or parents of children in Head Start. For purposes of  
15 screening, the term includes any member, over the age of 12  
16 years, of a child care facility operator's family, or person,  
17 over the age of 12 years, residing with a child care facility  
18 operator if the child care facility is located in or adjacent  
19 to the home of the operator or if the family member of, or  
20 person residing with, the child care facility operator has any  
21 direct contact with the children in the facility during its  
22 hours of operation. Members of the operator's family or  
23 persons residing with the operator who are between the ages of  
24 12 years and 18 years shall not be required to be  
25 fingerprinted but shall be screened for delinquency records.  
26 For purposes of screening, the term shall also include persons  
27 who work in child care programs that ~~which~~ provide care for  
28 children 15 hours or more each week in public or nonpublic  
29 schools, summer day camps, family child day care homes, or  
30 those programs otherwise exempted under s. 402.316. The term  
31 does not include public or nonpublic school personnel who are

1 providing care during regular school hours, or after hours for  
2 activities related to a school's program for grades  
3 kindergarten through 12. A volunteer who assists on an  
4 intermittent basis for less than 40 hours per month is not  
5 included in the term "personnel" for the purposes of screening  
6 and training, provided that the volunteer is under direct and  
7 constant supervision by persons who meet the personnel  
8 requirements of s. 402.305(2). Students who observe and  
9 participate in a child care facility as a part of their  
10 required coursework shall not be considered child care  
11 personnel, provided the ~~such~~ observation and participation are  
12 on an intermittent basis and the students are under direct and  
13 constant supervision of child care personnel.

14 (7) "Family day care home" or "family child care home"  
15 means an occupied residence in which child care is regularly  
16 provided for children from at least two unrelated families and  
17 which receives a payment, fee, or grant for any of the  
18 children receiving care, whether or not operated for profit. A  
19 family child day care home ~~is shall be~~ allowed to provide care  
20 for one of the following groups of children, which shall  
21 include those children under 13 years of age who are related  
22 to the caregiver:

23 (a) A maximum of four children from birth to 12 months  
24 of age.

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

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

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

4 (8) "Large family child care home" means an occupied  
5 residence in which child care is regularly provided for  
6 children from at least two unrelated families, which receives  
7 a payment, fee, or grant for any of the children receiving  
8 care, whether or not operated for profit, and which has at  
9 least two full-time child care personnel on the premises  
10 during the hours of operation. One of the two full-time child  
11 care personnel must be the owner or occupant of the residence.  
12 A large family child care home must first have operated as a  
13 licensed family child day care home for 2 years, with an  
14 operator who has had a child development associate credential  
15 or its equivalent for 1 year, before seeking licensure as a  
16 large family child care home. A large family child care home  
17 ~~is shall be~~ allowed to provide care for one of the following  
18 groups of children, which shall include those children under  
19 13 years of age who are related to the caregiver:

20 (a) A maximum of 8 children from birth to 24 months of  
21 age.

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

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

27 402.3051 Child care market rate reimbursement; child  
28 care grants.--

29 (1) As used in this section, the term:  
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1           (b) "Market rate" means the price that a child care  
2 provider charges for daily, weekly, or monthly child care  
3 services. Market rate shall:

4           1. Be established for licensed child care facilities  
5 or facilities that are not subject to s. 402.305, licensed ~~or~~  
6 ~~registered~~ family child day care homes, licensed before-school  
7 and after-school child care programs, and unregulated care  
8 provided by a relative or other caretaker.

9           2. Differentiate among child care for children with  
10 special needs or risk categories, infants, toddlers, and  
11 preschool and school-age children.

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

13           4. Consider reductions in the cost of care for  
14 additional children in the same family.

15           (2) The department shall establish procedures to  
16 reimburse licensed or, ~~exempt, or registered~~ child care  
17 providers who hold a Gold Seal Quality Care designation at the  
18 market rate for child care services for children who are  
19 eligible to receive subsidized child care; and licensed or,  
20 ~~exempt, or registered~~ child care providers at the prevailing  
21 market rate for child care services for children who are  
22 eligible to receive subsidized child care, unless prohibited  
23 by federal law under s. 402.3015. The department shall  
24 establish procedures to reimburse providers of unregulated  
25 child care at not more than 50 percent of the market rate. The  
26 payment system may not interfere with the parents' decision as  
27 to the appropriate child care arrangement, regardless of the  
28 level of available funding for child care. The child care  
29 program assessment tool may not be used to determine  
30 reimbursement rates.  
31

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

3           402.306 Designation of licensing agency; dissemination  
4 by the department and local licensing agency of information on  
5 child care.--

6           (3) The department and local licensing agencies, or  
7 their ~~the~~ designees ~~thereof~~, shall coordinate and disseminate  
8 ~~be responsible for coordination and dissemination of~~  
9 information on child care to the community. ~~and shall make~~  
10 ~~available~~ Upon request, the department and each local  
11 licensing agency must make available to the public all  
12 licensing standards and procedures, ~~in addition to~~ the names  
13 and addresses of licensed child care facilities and, where  
14 applicable pursuant to ss. ~~s.~~ 402.313 and 402.3131, licensed  
15 ~~or registered~~ family child day care homes and large family  
16 child care homes.

17           Section 7. Section 402.312, Florida Statutes, is  
18 amended to read:

19           402.312 License required; injunctive relief.--

20           (1) The operation of a child care facility ~~without a~~  
21 ~~license~~, a family child day care home ~~without a license or~~  
22 ~~registration~~, or a large family child care home without a  
23 license is prohibited. If the department or the local  
24 licensing agency discovers that a child care facility ~~is being~~  
25 ~~operated without a license~~, a family child day care home ~~is~~  
26 ~~being operated without a license or registration~~, or a large  
27 family child care home is being operated without a license,  
28 the department or local licensing agency may ~~is authorized to~~  
29 seek an injunction in the circuit court where the facility is  
30 located to enjoin continued operation of the ~~such~~ facility,  
31 family child day care home, or large family child care home.



1 When the court is closed for the transaction of judicial  
2 business, the department or local licensing agency may ~~is~~  
3 ~~authorized to~~ seek an emergency injunction to enjoin continued  
4 operation of the ~~such~~ unlicensed facility, ~~unregistered or~~  
5 ~~unlicensed~~ family child day care home, or unlicensed large  
6 family child care home, which injunction shall be continued,  
7 modified, or revoked on the next day of judicial business.

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

11 (a) There is any violation of the standards applied  
12 under ss. 402.301-402.319 which threatens harm to any child in  
13 the child care facility, a family child day care home, or  
14 large family child care home.

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

17 (c) A child care facility, family child day care home,  
18 or large family child care home continues to have children in  
19 attendance after the closing date established by the  
20 department or the local licensing agency.

21 (3) The department or local licensing agency may  
22 impose an administrative fine on any child care facility,  
23 family child day care home, or large family child care home  
24 operating without a license ~~or registration~~, consistent with  
25 ~~the provisions of~~ s. 402.310.

26 Section 8. Section 402.313, Florida Statutes, is  
27 amended to read:

28 402.313 Family child day care homes.--

29 (1) Family child day care homes shall be licensed  
30 under this section. ~~act if they are presently being licensed~~  
31 ~~under an existing county licensing ordinance, if they are~~

1 ~~participating in the subsidized child care program, or if the~~  
2 ~~board of county commissioners passes a resolution that family~~  
3 ~~day care homes be licensed. If no county authority exists for~~  
4 ~~the licensing of a family day care home, the department shall~~  
5 ~~have the authority to license family day care homes under~~  
6 ~~contract for the purchase of service system in the subsidized~~  
7 ~~child care program.~~

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

11 ~~1. The name and address of the home.~~  
12 ~~2. The name of the operator.~~  
13 ~~3. The number of children served.~~  
14 ~~4. Proof of a written plan to provide at least one~~  
15 ~~other competent adult to be available to substitute for the~~  
16 ~~operator in an emergency. This plan shall include the name,~~  
17 ~~address, and telephone number of the designated substitute.~~

18 ~~5. Proof of screening and background checks.~~  
19 ~~6. Proof of successful completion of the 30 hour~~  
20 ~~training course, as evidenced by passage of a competency~~  
21 ~~examination, which shall include:~~

22 ~~a. State and local rules and regulations that govern~~  
23 ~~child care.~~  
24 ~~b. Health, safety, and nutrition.~~  
25 ~~c. Identifying and reporting child abuse and neglect.~~  
26 ~~d. Child development, including typical and atypical~~  
27 ~~language development; and cognitive, motor, social, and~~  
28 ~~self help skills development.~~  
29 ~~e. Observation of developmental behaviors, including~~  
30 ~~using a checklist or other similar observation tools and~~  
31 ~~techniques to determine a child's developmental level.~~

1           ~~f. Specialized areas, including early literacy and~~  
2 ~~language development of children from birth to 5 years of age,~~  
3 ~~as determined by the department, for owner operators of family~~  
4 ~~day care homes.~~

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

6           ~~8. Proof of completion of the required continuing~~  
7 ~~education units or clock hours.~~

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

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

14           ~~(b)(d)~~ The department may provide technical assistance  
15 to counties and family child day care home providers to enable  
16 counties and family child day care providers to achieve  
17 compliance with family child day care homes standards.

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

21           (3) Child care personnel in family child day care  
22 homes ~~are shall be~~ subject to the applicable screening  
23 provisions contained in ss. 402.305(2) and 402.3055. For  
24 purposes of screening in family child day care homes, the term  
25 includes any member over the age of 12 years of a family child  
26 ~~day~~ care home operator's family, or persons over the age of  
27 12 years residing with the operator in the family child day  
28 care home. Members of the operator's family, or persons  
29 residing with the operator, who are between the ages of 12  
30 years and 18 years ~~are shall~~ not ~~be~~ required to be  
31 fingerprinted, but shall be screened for delinquency records.

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

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

11           (6) Operators of family child day care homes shall be  
12 required to complete 0.5 continuing education unit of approved  
13 training in early literacy and language development of  
14 children from birth to 5 years of age one time. The year that  
15 this training is completed, it shall fulfill the 0.5  
16 continuing education unit or 5 clock hours of the annual  
17 training required in subsection (5).

18           (7) Operators of family child day care homes shall be  
19 required annually to complete a health and safety home  
20 inspection self-evaluation checklist developed by the  
21 department in conjunction with the statewide resource and  
22 referral program. The completed checklist shall be signed by  
23 the operator of the family child day care home and provided to  
24 parents as certification that basic health and safety  
25 standards are being met.

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

28           (9) The department shall prepare a brochure on family  
29 child day care for distribution by the department and by local  
30 licensing agencies, if appropriate, to family child day care  
31 homes for distribution to parents utilizing such child care,

1 and to all interested persons, including physicians and other  
2 health professionals; mental health professionals; school  
3 teachers or other school personnel; social workers or other  
4 professional child care, foster care, residential, or  
5 institutional workers; and law enforcement officers. The  
6 brochure shall, at a minimum, contain the following  
7 information:

8 (a) A brief description of the requirements for family  
9 child day care licensure ~~registration~~, training, and  
10 fingerprinting and screening.

11 (b) A listing of those counties that license ~~require~~  
12 ~~licensure of~~ family child day care homes. ~~The Such~~ counties  
13 shall provide an addendum to the brochure that provides a  
14 brief description of the licensure requirements or may provide  
15 a brochure in lieu of the one described in this subsection,  
16 provided it contains all the required information on licensure  
17 and the required information in the subsequent paragraphs.

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

24 (d) The statewide toll-free telephone number of the  
25 central abuse hotline, together with a notice that reports of  
26 suspected and actual child physical abuse, sexual abuse, and  
27 neglect are received and referred for investigation by the  
28 hotline.

29 (e) Any other information relating to competent child  
30 care that the department or local licensing agency, if  
31 preparing a separate brochure, deems would be helpful to

1 | parents and other caretakers in their selection of a family  
2 | child day care home.

3 |           (10) On an annual basis, the department shall evaluate  
4 | the ~~registration and~~ licensure system for family child day  
5 | care homes. ~~The Such~~ evaluation shall, at a minimum, address  
6 | the following:

7 |           (a) The number of family child day care homes  
8 | ~~registered and~~ licensed and the dates of the such registration  
9 | ~~and~~ licensure.

10 |           (b) The number of children being served in ~~both~~  
11 | ~~registered and~~ licensed family child day care homes and any  
12 | available slots in the such homes.

13 |           (c) The number of complaints received concerning  
14 | family child day care, the nature of the complaints, and the  
15 | resolution of the such complaints.

16 |           (d) The training activities used ~~utilized~~ by child  
17 | care personnel in family child day care homes for meeting the  
18 | state or local training requirements.

19 |  
20 | The evaluation shall be used ~~utilized~~ by the department in any  
21 | administrative modifications or adjustments to be made in the  
22 | licensure registration of family child day care homes or in  
23 | any legislative requests for modifications to the system of  
24 | licensure registration or to other requirements for family  
25 | child day care homes.

26 |           (11) In order to inform the public of the state  
27 | requirement for licensure registration of family child day  
28 | care homes as well as the other requirements for the such  
29 | homes to legally operate in the state, the department shall  
30 | institute a media campaign to accomplish this end. ~~The Such a~~  
31 | campaign shall include, at a minimum, flyers, newspaper

1 advertisements, radio advertisements, and television  
2 advertisements.

3 (12) Notwithstanding any other state or local law or  
4 ordinance, any family child day care home licensed under  
5 ~~pursuant to~~ this chapter or under ~~pursuant to~~ a county  
6 ordinance shall be charged the utility rates accorded to a  
7 residential home. A licensed family child day care home may  
8 not be charged commercial utility rates.

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

18 Section 9. Each family child care home that is  
19 registered with the Department of Children and Family Services  
20 or a local licensing agency on June 30, 2005, must obtain a  
21 license from the department as required under section 402.313,  
22 Florida Statutes, by July 1, 2006.

23 Section 10. Paragraph (b) of subsection (5) of section  
24 409.1671, Florida Statutes, is amended to read:

25 409.1671 Foster care and related services;  
26 privatization.--

27 (5)

28 (b) Substitute care providers who are licensed under  
29 s. 409.175 and have contracted with a lead agency authorized  
30 under this section may ~~shall~~ also ~~be authorized to~~ provide  
31 ~~registered or~~ licensed family child day care homes under s.

1 402.313, if consistent with federal law and if the home has  
2 met the requirements of s. 402.313.

3 Section 11. Section 627.70161, Florida Statutes, is  
4 amended to read:

5 627.70161 Family child day care home insurance.--

6 (1) PURPOSE AND INTENT.--The Legislature recognizes  
7 that family child day care homes fulfill a vital role in  
8 providing child care in Florida. It is the intent of the  
9 Legislature that residential property insurance coverage  
10 should not be canceled, denied, or nonrenewed solely on the  
11 basis of the family child day care services at the residence.  
12 The Legislature also recognizes that the potential liability  
13 of residential property insurers is substantially increased by  
14 the rendition of child care services on the premises. The  
15 Legislature therefore finds that there is a public need to  
16 specify that contractual liabilities that arise in connection  
17 with the operation of the family child day care home are  
18 excluded from residential property insurance policies unless  
19 they are specifically included in such coverage.

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

21 (a) "Child care" means the care, protection, and  
22 supervision of a child, for a period of less than 24 hours a  
23 day on a regular basis, which supplements parental care,  
24 enrichment, and health supervision for the child, in  
25 accordance with his or her individual needs, and for which a  
26 payment, fee, or grant is made for care.

27 (b) "Family child day care home" means an occupied  
28 residence in which child care is regularly provided for  
29 children from at least two unrelated families and which  
30 receives a payment, fee, or grant for any of the children  
31 receiving care, whether or not operated for a profit.



1           (3) FAMILY CHILD ~~DAY~~ CARE; COVERAGE.--A residential  
2 property insurance policy shall not provide coverage for  
3 liability for claims arising out of, or in connection with,  
4 the operation of a family child day care home, and the insurer  
5 shall be under no obligation to defend against lawsuits  
6 covering such claims, unless:  
7           (a) Specifically covered in a policy; or  
8           (b) Covered by a rider or endorsement for business  
9 coverage attached to a policy.  
10          (4) DENIAL, CANCELLATION, REFUSAL TO RENEW  
11 PROHIBITED.--An insurer may not deny, cancel, or refuse to  
12 renew a policy for residential property insurance solely on  
13 the basis that the policyholder or applicant operates a family  
14 child day care home. In addition to other lawful reasons for  
15 refusing to insure, an insurer may deny, cancel, or refuse to  
16 renew a policy of a family child day care home provider if one  
17 or more of the following conditions occur:  
18           (a) The policyholder or applicant provides care for  
19 more children than authorized for family child day care homes  
20 by s. 402.302;  
21           (b) The policyholder or applicant fails to maintain a  
22 separate commercial liability policy or an endorsement  
23 providing liability coverage for the family child day care  
24 home operations;  
25           (c) The policyholder or applicant fails to comply with  
26 the family child day care home licensure ~~and registration~~  
27 requirements specified in s. 402.313; or  
28           (d) Discovery of willful or grossly negligent acts or  
29 omissions or any violations of state laws or regulations  
30 establishing safety standards for family child day care homes  
31

1 | by the named insured or his or her representative which  
2 | materially increase any of the risks insured.

3 |         Section 12. For the purpose of incorporating the  
4 | amendment made by this act to section 402.313, Florida  
5 | Statutes, in a reference thereto, subsection (3) of section  
6 | 400.953, Florida Statutes, is reenacted to read:

7 |             400.953 Background screening of home medical equipment  
8 | provider personnel.--The agency shall require employment  
9 | screening as provided in chapter 435, using the level 1  
10 | standards for screening set forth in that chapter, for home  
11 | medical equipment provider personnel.

12 |             (3) Proof of compliance with the screening  
13 | requirements of s. 110.1127, s. 393.0655, s. 394.4572, s.  
14 | 397.451, s. 402.305, s. 402.313, s. 409.175, s. 464.008, or s.  
15 | 985.407 or this part must be accepted in lieu of the  
16 | requirements of this section if the person has been  
17 | continuously employed in the same type of occupation for which  
18 | he or she is seeking employment without a breach in service  
19 | that exceeds 180 days, the proof of compliance is not more  
20 | than 2 years old, and the person has been screened by the  
21 | Department of Law Enforcement. An employer or contractor shall  
22 | directly provide proof of compliance to another employer or  
23 | contractor, and a potential employer or contractor may not  
24 | accept any proof of compliance directly from the person  
25 | requiring screening. Proof of compliance with the screening  
26 | requirements of this section shall be provided, upon request,  
27 | to the person screened by the home medical equipment provider.

28 |         Section 13. This act shall not take effect unless  
29 | sufficient funds are allocated in a specific appropriation or  
30 | in the General Appropriations Act for the 2005-2006 fiscal  
31 |

1 year to fund 30 additional positions for licensing family  
2 child care homes.

3 Section 14. This act shall take effect July 1, 2005.

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6 SENATE SUMMARY

7 Redesignates family day care homes as family child care  
8 homes. Deletes provisions relating to the regulation of  
9 registered family child care homes. Requires licensed  
10 family child care homes and large family child care homes  
11 to provide specified information to resource and referral  
12 agencies. Requires the Department of Children and Family  
13 Services and local licensing agencies to provide  
14 information on large family child care homes. Requires  
15 all family child care homes to be licensed. Deletes  
16 provisions relating to voluntary licensing of family  
17 child care homes. Requires family child care homes to  
18 obtain a license by a specified date. Directs the  
19 department to adopt rules for minimum licensing  
20 standards. Directs that the act will not take effect  
21 unless a specified number of positions are funded for  
22 licensing family child care homes.  
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