

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Healthy Families
 2 Subcommittee
 3 Representative Berman offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (1), (2), (5), and (8) of section
 8 402.302, Florida Statutes, are amended to read:

9 402.302 Definitions.—As used in this chapter, the term:

10 (1) "Advertise" means to market child care services
 11 through any means, including but not limited to online message
 12 boards, vehicle signs, newspaper advertisements, roadside signs,
 13 flyers or posters, and radio and television announcements.

14 (2) "Child care" means the care, protection, and supervision
 15 of a child, for ~~a period of~~ less than 24 hours a day on a
 16 regular basis, which supplements parental care, enrichment, and
 17 health supervision for the child, in accordance with his or her

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18 individual needs, and for which a payment, fee, or grant is made
19 for care.

20 (23) "Child care facility" means a ~~includes any~~ child care
21 center or child care arrangement that ~~which~~ provides child care
22 for more than four ~~five~~ children unrelated to the operator and
23 which receives a payment, fee, or grant for any of the children
24 receiving care, wherever operated, and whether or not operated
25 for profit. The following are not included:

26 (a) Public schools and nonpublic schools and their
27 integral programs, except as provided in s. 402.3025;

28 (b) Summer camps having children in full-time residence;

29 (c) Summer day camps;

30 (d) Bible schools normally conducted during vacation
31 periods; and

32 (e) Operators of transient establishments, ~~as defined in~~
33 chapter 509, ~~which provide child care services solely for the~~
34 guests of their establishment or resort, if provided that ~~all~~
35 child care personnel of the establishment or resort are screened
36 according to the level 2 screening requirements of chapter 435.

37 (56) "Department" means the Department of Children and
38 Families ~~Family Services~~.

39 (8) "Family day care home" means an occupied residence in
40 which child care is regularly provided for children from at
41 least two unrelated families and ~~which~~ either receives a
42 payment, fee, or grant for any of the children receiving care,
43 whether or not operated for profit, or advertises the

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44 availability of its services, whether or not it receives a
45 payment, fee, or grant for any of the children receiving care,
46 and whether or not operated for profit. Household children
47 under 13 years of age, when on the premises of the family day
48 care home or on a field trip with children enrolled in child
49 care, shall be included in the overall capacity of the licensed
50 home. A family day care home shall be allowed to provide care
51 for one of the following groups of children, which shall include
52 household children under 13 years of age:

53 (a) A maximum of four children from birth to 12 months of
54 age.

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

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

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

62
63 Section 2. Subsections (1) of section 402.313, Florida
64 Statutes, is amended to read:

65 402.313 Family day care homes.—

66 (1) A family day care home must ~~homes shall~~ be licensed
67 under this section ~~act~~ if it is ~~they are~~ presently being
68 licensed under an existing county licensing ordinance or if the
69 board of county commissioners passes a resolution that family

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70 day care homes be licensed. Each licensed or registered family
71 day care home must conspicuously display its license or
72 registration in the common area of the home.

73 (a) If not subject to license, a family day care home must
74 ~~homes shall~~ register annually with the department and provide,
75 ~~providing~~ the following information:

76 1. The name and address of the home.

77 2. The name of the operator.

78 3. The number of children served.

79 4. Proof of a written plan to identify a provide at least
80 ~~one other~~ competent adult who has met the screening and training
81 requirements of the department to serve as a designated
82 substitute to be available to substitute for the operator in an
83 emergency. This plan must ~~shall~~ include the name, address, and
84 telephone number of the designated substitute.

85 5. Proof of screening and background checks for the
86 operator, each household member, and the designated substitute.

87 6. Proof of successful completion of the 30-hour training
88 course, as evidenced by passage of a competency examination,
89 which must ~~shall~~ include:

90 a. State and local rules and regulations that govern child
91 care.

92 b. Health, safety, and nutrition.

93 c. Identifying and reporting child abuse and neglect.

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94 d. Child development, including typical and atypical
95 language development; and cognitive, motor, social, and self-
96 help skills development.

97 e. Observation of developmental behaviors, including using
98 a checklist or other similar observation tools and techniques to
99 determine a child's developmental level.

100 f. Specialized areas, including early literacy and
101 language development of children from birth to 5 years of age,
102 as determined by the department, for owner-operators of family
103 day care homes.

104 7. Proof that immunization records are kept current.

105 8. Proof of completion of the required continuing
106 education units or clock hours.

107 (b) A family day care home may volunteer to be licensed
108 ~~under this act.~~

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

113 Section 3. Subsection (1) of section 402.3131, Florida
114 Statutes, is amended to read:

115 402.3131 Large family child care homes.—

116 (1) A large family child care home must ~~homes shall~~ be
117 licensed under this section and permanently post its license in
118 a conspicuous location that is visible by all parents and
119 guardians and the department.

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120 (a) A licensed family day care home must first have
121 operated for a minimum of 2 consecutive years, with an operator
122 who has had a child development associate credential or its
123 equivalent for 1 year, before seeking licensure as a large
124 family child care home.

125 (b) The department may provide technical assistance to
126 counties and family day care home providers to enable the
127 counties and providers to achieve compliance with minimum
128 standards for large family child care homes.

129 Section 4. Subsection (3) of section 402.315, Florida
130 Statutes, is amended to read:

131 402.315 Funding; license fees.—

132 (3) The department shall collect a fee for a any license
133 it issues for a child care facility, family day care home, or
134 large family child care home under ~~pursuant to~~ ss. 402.305,
135 402.313, and 402.3131.

136 (a) For a child care facility licensed under ~~pursuant to~~
137 s. 402.305, the ~~such~~ fee is ~~shall be~~ \$1 per child, based on the
138 licensed capacity of the facility, except that the minimum fee
139 is ~~shall be~~ \$25 per facility and the maximum fee shall be \$100
140 per facility.

141 (b) For a family day care home registered under ~~pursuant~~
142 ~~to~~ s. 402.313, the ~~such~~ fee is ~~shall be~~ \$25.

143 (c) For a family day care home licensed under ~~pursuant to~~
144 s. 402.313, the ~~such~~ fee is ~~shall be~~ \$50.

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145 (d) For a large family child care home licensed under
146 ~~pursuant to~~ s. 402.3131, the ~~such~~ fee is ~~shall be~~ \$60.

147 Section 5. Section 402.318, Florida Statutes, is amended
148 to read:

149 402.318 Advertisement.—A person, as defined in s. 1.01 ~~s.~~
150 ~~1.01(3)~~, may not advertise a child care facility as defined in
151 s. 402.302, a child care facility that is exempt from licensing
152 requirements pursuant to s. 402.316, a family day care home as
153 defined in s. 402.302, or a large family child care home as
154 defined in s. 402.302, without including within such
155 advertisement the state or local agency license number,
156 exemption number, or registration number of the ~~such~~ facility or
157 home. A person who violates ~~Violation of~~ this section commits ~~is~~
158 a misdemeanor of the first degree, punishable as provided in s.
159 775.082 or s. 775.083.

160 Section 6. This act shall take effect July 1, 2014.

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165 **T I T L E A M E N D M E N T**

166 Remove everything before the enacting clause and insert:

167 An act relating to the licensing of facilities that
168 offer health and human services; amending s. 402.302,
169 F.S.; redefining the term "child care"; redefining the
170 term "child care facility" to include a child care

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171 center or child care arrangement that provides child
172 care for more than four, rather than five, children
173 unrelated to the operator, and redefining the term
174 "family day care home" to include an occupied
175 residence that regularly provides child care for at
176 least two unrelated families and advertises the
177 availability of its services, whether or not it
178 receives a payment, fee, or grant for any of the
179 children and whether or not operated for profit;
180 conforming terminology; amending s. 402.313, F.S.;
181 requiring a family day care home to conspicuously
182 display its license or registration in the common area
183 of the home, to provide proof of a written plan that
184 identifies a designated substitute for the operator,
185 and to provide proof of screening and background
186 checks for certain individuals; amending s. 402.3131,
187 F.S.; requiring a large family child care home to
188 permanently post its license in a conspicuous location
189 that is visible by all parents and guardians and the
190 Department of Children and Families; amending s.
191 402.315, F.S.; revising provisions related to license
192 fees; amending s. 402.318, F.S.; prohibiting the
193 advertising of a child care facility, family day care
194 home, or large family child care home unless it is
195 licensed or registered; providing an effective date.

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