

1 A bill to be entitled

2 An act relating to the licensing of facilities that
3 offer health and human services; amending s. 402.302,
4 F.S.; redefining the term "child care" to include a
5 person or facility that does not receive compensation;
6 redefining the term "child care facility" to include a
7 child care center or child care arrangement that does
8 not receive compensation and provides child care for
9 more than four, rather than five, children unrelated
10 to the operator; conforming terminology; amending s.
11 402.313, F.S.; requiring a family day care home to
12 conspicuously display its license or registration in
13 the common area of the home, to provide proof of a
14 written plan that identifies a designated substitute
15 for the operator, and to provide proof of screening
16 and background checks for certain individuals;
17 amending s. 402.3131, F.S.; requiring a large family
18 child care home to permanently post its license in a
19 conspicuous location that is visible by all parents
20 and guardians and the Department of Children and
21 Families; amending s. 402.315, F.S.; revising the
22 licensing fee for a child care facility that has
23 certain licensed capacity; amending s. 402.318, F.S.;
24 prohibiting the advertising of a child care facility,
25 family day care home, or large family child care home
26 unless it is licensed or registered; defining the term

27 "advertisement"; providing an effective date.

28

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

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31 Section 1. Subsections (1), (2), and (5) of section
 32 402.302, Florida Statutes, are amended to read:

33 402.302 Definitions.—As used in this chapter, the term:

34 (1) "Child care" means the care, protection, and
 35 supervision of a child, for ~~a period of~~ less than 24 hours a day
 36 on a regular basis, which supplements parental care, enrichment,
 37 and health supervision for the child, in accordance with his or
 38 her individual needs, ~~and for which a payment, fee, or grant is~~
 39 ~~made for care.~~

40 (2) "Child care facility" means ~~includes~~ any child care
 41 center or child care arrangement that ~~which~~ provides child care
 42 for more than four ~~five~~ children unrelated to the operator ~~and~~
 43 ~~which receives a payment, fee, or grant for any of the children~~
 44 ~~receiving care~~, wherever operated, and whether or not operated
 45 for profit. The following are not included:

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

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

49 (c) Summer day camps;

50 (d) Bible schools normally conducted during vacation
 51 periods; and

52 (e) Operators of transient establishments, ~~as defined in~~

53 chapter 509~~,~~ which provide child care services solely for the
 54 guests of their establishment or resort, ~~if provided that~~ all
 55 child care personnel of the establishment or resort are screened
 56 according to the level 2 screening requirements of chapter 435.

57 (5) "Department" means the Department of Children and
 58 Families ~~Family Services~~.

59 Section 2. Subsection (1) of section 402.313, Florida
 60 Statutes, is amended to read:

61 402.313 Family day care homes.—

62 (1) A family day care home must ~~homes shall~~ be licensed
 63 under this section ~~act~~ if it is ~~they are~~ presently being
 64 licensed under an existing county licensing ordinance or if the
 65 board of county commissioners passes a resolution that family
 66 day care homes be licensed. Each licensed or registered family
 67 day care home must conspicuously display its license or
 68 registration in the common area of the home.

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

- 72 1. The name and address of the home.
- 73 2. The name of the operator.
- 74 3. The number of children served.
- 75 4. Proof of a written plan to identify a ~~provide at least~~
 76 ~~one other~~ competent adult who has met the screening and training
 77 requirements of the department to serve as a designated
 78 substitute ~~to be available to substitute~~ for the operator in an

79 emergency. This plan must ~~shall~~ include the name, address, and
 80 telephone number of the designated substitute.

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

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

86 a. State and local rules and regulations that govern child
 87 care.

88 b. Health, safety, and nutrition.

89 c. Identifying and reporting child abuse and neglect.

90 d. Child development, including typical and atypical
 91 language development; and cognitive, motor, social, and self-
 92 help skills development.

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

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

100 7. Proof that immunization records are kept current.

101 8. Proof of completion of the required continuing
 102 education units or clock hours.

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

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

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

111 402.3131 Large family child care homes.—

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

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

121 (b) The department may provide technical assistance to
 122 counties and family day care home providers to enable the
 123 counties and providers to achieve compliance with minimum
 124 standards for large family child care homes.

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

127 402.315 Funding; license fees.—

128 (3) The department shall collect a fee for a ~~any~~ license
 129 it issues for a child care facility, family day care home, or
 130 large family child care home under ~~pursuant to~~ ss. 402.305,

131 402.313, and 402.3131.

132 (a) For a child care facility licensed under ~~pursuant to~~
 133 s. 402.305, the such fee is shall be \$1 per child, based on the
 134 licensed capacity of the facility. However, if a facility has a
 135 licensed capacity of 25 children or fewer, except that the
 136 minimum fee is shall be \$25 per facility and the maximum fee
 137 shall be \$100 per facility.

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

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

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

144 Section 5. Section 402.318, Florida Statutes, is amended
 145 to read:

146 402.318 Advertisement.—A person, as defined in s. 1.01 ~~s.~~
 147 ~~1.01(3)~~, may not advertise a child care facility as defined in
 148 s. 402.302, a child care facility that is exempt from licensing
 149 requirements pursuant to s. 402.316, a family day care home as
 150 defined in s. 402.302, or a large family child care home as
 151 defined in s. 402.302 without including within such
 152 advertisement the state or local agency license number,
 153 exemption number, or registration number of the such facility or
 154 home. As used in this section, the term "advertisement"
 155 includes, but is not limited to, the marketing of child care
 156 services to the public on vehicles; print materials; electronic

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157 | media, including Internet sites; and radio and television
158 | announcements. A person who violates ~~Violation of~~ this section
159 | commits ~~is~~ a misdemeanor of the first degree, punishable as
160 | provided in s. 775.082 or s. 775.083.

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