

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.; revising and providing definitions; amending s.
5 402.313, F.S.; requiring a family day care home to
6 conspicuously display its license or registration in
7 the common area of the home, to provide proof of a
8 written plan that identifies a designated substitute
9 for the operator, and to provide proof of screening
10 and background checks for certain individuals;
11 amending s. 402.3131, F.S.; requiring a large family
12 child care home to permanently post its license in a
13 conspicuous location that is visible by all parents
14 and guardians and the Department of Children and
15 Families; amending s. 402.318, F.S.; prohibiting the
16 advertising of a child care facility, family day care
17 home, or large family child care home unless it is
18 licensed or registered; amending ss. 402.317 and
19 1002.88, F.S.; conforming cross-references; providing
20 an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsections (1) through (18) of section
25 402.302, Florida Statutes, are renumbered as subsections (2)
26 through (19), respectively, present subsections (1), (2), (5),

27 and (8) are amended, and a new subsection (1) is added to that
 28 section, to read:

29 402.302 Definitions.—As used in this chapter, the term:

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

34 (2)~~(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 (3)~~(2)~~ "Child care facility" means a ~~includes any~~ child
 41 care center or child care arrangement that ~~which~~ provides child
 42 care for more than 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~~7~~, 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 ~~(6)-(5)~~ "Department" means the Department of Children and
58 Families ~~Family Services~~.

59 ~~(9)-(8)~~ "Family day care home" means an occupied residence
60 in which child care is regularly provided for children from at
61 least two unrelated families and either ~~which~~ receives a
62 payment, fee, or grant for any of the children receiving care,
63 regardless of whether ~~or not~~ operated for profit, or advertises
64 the availability of its services, regardless of whether it
65 receives a payment, fee, or grant for any of the children
66 receiving care, and regardless of whether operated for profit.

67 Household children under 13 years of age, when on the premises
68 of the family day care home or on a field trip with children
69 enrolled in child care, shall be included in the overall
70 capacity of the licensed home. A family day care home shall be
71 allowed to provide care for one of the following groups of
72 children, which shall include household children under 13 years
73 of age:

74 (a) A maximum of four children from birth to 12 months of
75 age.

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

78 (c) A maximum of six preschool children if all are older

79 | than 12 months of age.

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

83 | Section 2. Subsection (1) of section 402.313, Florida
84 | Statutes, is amended to read:

85 | 402.313 Family day care homes.—

86 | (1) A family day care home must ~~homes shall~~ be licensed
87 | under this section ~~act~~ if it is ~~they are~~ presently being
88 | licensed under an existing county licensing ordinance or if the
89 | board of county commissioners passes a resolution that family
90 | day care homes be licensed. Each licensed or registered family
91 | day care home must conspicuously display its license or
92 | registration in the common area of the home.

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

96 | 1. The name and address of the home.

97 | 2. The name of the operator.

98 | 3. The number of children served.

99 | 4. Proof of a written plan to identify a ~~provide at least~~
100 | ~~one other~~ competent adult who has met the screening and training
101 | requirements of the department to serve as a designated
102 | substitute ~~to be available to substitute~~ for the operator in an
103 | emergency. This plan must ~~shall~~ include the name, address, and
104 | telephone number of the designated substitute.

- 105 5. Proof of screening and background checks for the
 106 operator, each household member, and the designated substitute.
- 107 6. Proof of successful completion of the 30-hour training
 108 course, as evidenced by passage of a competency examination,
 109 which must ~~shall~~ include:
- 110 a. State and local rules and regulations that govern child
 111 care.
- 112 b. Health, safety, and nutrition.
- 113 c. Identifying and reporting child abuse and neglect.
- 114 d. Child development, including typical and atypical
 115 language development; and cognitive, motor, social, and self-
 116 help skills development.
- 117 e. Observation of developmental behaviors, including using
 118 a checklist or other similar observation tools and techniques to
 119 determine a child's developmental level.
- 120 f. Specialized areas, including early literacy and
 121 language development of children from birth to 5 years of age,
 122 as determined by the department, for owner-operators of family
 123 day care homes.
- 124 7. Proof that immunization records are kept current.
- 125 8. Proof of completion of the required continuing
 126 education units or clock hours.
- 127 (b) A family day care home may volunteer to be licensed
 128 ~~under this act.~~
- 129 (c) The department may provide technical assistance to
 130 counties and family day care home providers to enable counties

131 and family day care providers to achieve compliance with family
 132 day care homes standards.

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

135 402.3131 Large family child care homes.—

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

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

145 (b) The department may provide technical assistance to
 146 counties and family day care home providers to enable the
 147 counties and providers to achieve compliance with minimum
 148 standards for large family child care homes.

149 Section 4. Section 402.317, Florida Statutes, is amended
 150 to read:

151 402.317 Prolonged child care.—Notwithstanding the time
 152 restriction specified in s. 402.302(2) ~~402.302(1)~~, child care
 153 may be provided for 24 hours or longer for a child whose parent
 154 or legal guardian works a shift of 24 hours or more. The
 155 requirement that a parent or legal guardian work a shift of 24
 156 hours or more must be certified in writing by the employer, and

157 the written certification shall be maintained in the facility by
 158 the child care provider and made available to the licensing
 159 agency. The time that a child remains in child care, however,
 160 may not exceed 72 consecutive hours in any 7-day period. During
 161 a declared state of emergency, the child care licensing agency
 162 may temporarily waive the time limitations provided in this
 163 section.

164 Section 5. Section 402.318, Florida Statutes, is amended
 165 to read:

166 402.318 Advertisement.—A person, as defined in s. 1.01 ~~s.~~
 167 ~~1.01(3)~~, may not advertise a child care facility as defined in
 168 s. 402.302, a child care facility that is exempt from licensing
 169 requirements pursuant to s. 402.316, a family day care home as
 170 defined in s. 402.302, or a large family child care home as
 171 defined in s. 402.302 without including within such
 172 advertisement the state or local agency license number,
 173 exemption number, or registration number of the ~~such~~ facility or
 174 home. A person who violates ~~Violation of~~ this section commits ~~is~~
 175 a misdemeanor of the first degree, punishable as provided in s.
 176 775.082 or s. 775.083.

177 Section 6. Paragraph (d) of subsection (1) of section
 178 1002.88, Florida Statutes, is amended to read:

179 1002.88 School readiness program provider standards;
 180 eligibility to deliver the school readiness program.—

181 (1) To be eligible to deliver the school readiness
 182 program, a school readiness program provider must:

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183 (d) Provide an appropriate staff-to-children ratio,
184 pursuant to s. 402.305(4) or s. 402.302(9) or (12) ~~402.302(8) or~~
185 ~~(11)~~, as applicable, and as verified pursuant to s. 402.311.
186 Section 7. This act shall take effect July 1, 2014.