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576-02721-14

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to the licensing of facilities that offer health and human services; amending s. 402.302, F.S.; redefining terms; conforming terminology; amending ss. 402.313, F.S.; requiring a family day care home to conspicuously display its license or registration in the common area of the home, to provide proof of a written plan that identifies a designated substitute for the operator, and to provide proof of screening and background checks for certain individuals; amending s. 402.3131, F.S.; requiring a large family child care home to permanently post its license in a conspicuous location that is visible by all parents and guardians and the department; amending s. 402.315, F.S.; revising the licensing fee for a child care facility that has certain licensed capacity; amending s. 402.318, F.S.; prohibiting the advertising of a child care facility, family day care home, or large family day care home unless it is licensed or registered; providing an effective date.

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

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

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

(1) "Child care" means the care, protection, and



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28 supervision of a child, for ~~a period of~~ less than 24 hours a day
29 on a regular basis, which supplements parental care, enrichment,
30 and health supervision for the child, in accordance with his or
31 her individual needs, ~~and for which a payment, fee, or grant is~~
32 ~~made for care.~~

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

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

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

42 (c) Summer day camps;

43 (d) Bible schools normally conducted during vacation
44 periods; and

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

50 (5) "Department" means the Department of Children and
51 Families ~~Family Services~~.

52 (8) "Family day care home" means an occupied residence in
53 which child care is regularly provided for children from at
54 least two unrelated families ~~and which receives a payment, fee,~~
55 ~~or grant for any of the children receiving care, whether or not~~
56 ~~operated for profit.~~ Household children under 13 years of age,



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57 when on the premises of the family day care home or on a field
58 trip with children enrolled in child care, are ~~shall be~~ included
59 in the overall capacity of the licensed home. A family day care
60 home may ~~shall be allowed to~~ provide care for one of the
61 following groups of children, which includes ~~shall include~~
62 household children under 13 years of age:

63 (a) A maximum of four children from birth to 12 months of
64 age.

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

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

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

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

74 402.313 Family day care homes.—

75 (1) A family day care home must ~~homes shall~~ be licensed
76 under this section ~~act~~ if it is ~~they are~~ presently being
77 licensed under an existing county licensing ordinance or if the
78 board of county commissioners passes a resolution that family
79 day care homes be licensed. Each licensed or registered family
80 day care home must conspicuously display its license or
81 registration in the common area of the home.

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

85 1. The name and address of the home.



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- 86 2. The name of the operator.
- 87 3. The number of children served.
- 88 4. Proof of a written plan to identify a ~~provide at least~~
89 ~~one other~~ competent adult who has met the screening and training
90 requirements of the department to serve as a designated
91 substitute to be available to substitute for the operator in an
92 emergency. This plan must ~~shall~~ include the name, address, and
93 telephone number of the designated substitute.
- 94 5. Proof of screening and background checks for the
95 operator, child care personnel as defined in subsection (3), and
96 the designated substitute.
- 97 6. Proof of successful completion of the 30-hour training
98 course, as evidenced by passage of a competency examination,
99 which must ~~shall~~ include:
- 100 a. State and local rules and regulations that govern child
101 care.
- 102 b. Health, safety, and nutrition.
- 103 c. Identifying and reporting child abuse and neglect.
- 104 d. Child development, including typical and atypical
105 language development; and cognitive, motor, social, and self-
106 help skills development.
- 107 e. Observation of developmental behaviors, including using
108 a checklist or other similar observation tools and techniques to
109 determine a child's developmental level.
- 110 f. Specialized areas, including early literacy and language
111 development of children from birth to 5 years of age, as
112 determined by the department, for owner-operators of family day
113 care homes.
- 114 7. Proof that immunization records are kept current.



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115 8. Proof of completion of the required continuing education
116 units or clock hours.

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

119 (c) The department may provide technical assistance to
120 counties and family day care home providers to enable counties
121 and family day care providers to achieve compliance with family
122 day care homes standards.

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

125 402.3131 Large family child care homes.—

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

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

135 (b) The department may provide technical assistance to
136 counties and family day care home providers to enable the
137 counties and providers to achieve compliance with minimum
138 standards for large family child care homes.

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

141 402.315 Funding; license fees.—

142 (3) The department shall collect a fee for a ~~any~~ license it
143 issues for a child care facility, family day care home, or large



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144 family child care home under ~~pursuant to~~ ss. 402.305, 402.313,
145 and 402.3131.

146 (a) For a child care facility licensed under ~~pursuant to~~ s.
147 402.305, the such fee is shall be \$1 per child, based on the
148 licensed capacity of the facility. However, if a facility has a
149 licensed capacity of 25 children or fewer, except that the
150 minimum fee is shall be \$25 per facility and the maximum fee
151 shall be \$100 per facility.

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

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

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

158 Section 5. Section 402.318, Florida Statutes, is amended to
159 read:

160 402.318 Advertisement.—A person, as defined in s. 1.01 s.
161 1.01(3), may not advertise a child care facility as defined in
162 s. 402.302, a child care facility that is exempt from licensing
163 requirements pursuant to s. 402.316, a family day care home as
164 defined in s. 402.302, or a large family child care home as
165 defined in s. 402.302 without including within such
166 advertisement the state or local agency license number,
167 exemption number, or registration number of the such facility or
168 home. As used in this section, the term "advertisement"
169 includes, but is not limited to, the marketing of child care
170 services to the public on vehicles; print materials; electronic
171 media, including Internet sites; and radio and television
172 announcements. A person who violates ~~Violation of~~ this section



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173 commits ~~is~~ a misdemeanor of the first degree, punishable as
174 provided in s. 775.082 or s. 775.083.

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