

By Senator Gibson

9-00225D-14

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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 ss.  
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; amending s. 402.315,  
21          F.S.; revising the licensing fee for a child care  
22          facility that has certain licensed capacity; amending  
23          s. 402.318, F.S.; prohibiting the advertising of a  
24          child care facility, family day care home, or large  
25          family day care home unless it is licensed or  
26          registered; providing an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Subsections (1), (2), and (5) of section  
31 402.302, Florida Statutes, are amended to read:

32 402.302 Definitions.—As used in this chapter, the term:

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

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

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

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

48 (c) Summer day camps;

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

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

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

58 Section 2. Subsection (1) of section 402.313, Florida

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59 Statutes, is amended to read:

60 402.313 Family day care homes.—

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

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

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

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

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

- 85 a. State and local rules and regulations that govern child  
86 care.
- 87 b. Health, safety, and nutrition.

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88 c. Identifying and reporting child abuse and neglect.

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

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

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

99 7. Proof that immunization records are kept current.

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

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

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

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

110 402.3131 Large family child care homes.—

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

115 (a) A licensed family day care home must first have  
116 operated for a minimum of 2 consecutive years, with an operator

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117 who has had a child development associate credential or its  
118 equivalent for 1 year, before seeking licensure as a large  
119 family child care home.

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

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

126 402.315 Funding; license fees.—

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

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

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

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

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

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

145 402.318 Advertisement.—A person, as defined in s. 1.01 ~~s.~~

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146 ~~1.01(3)~~, may not advertise a child care facility as defined in  
147 s. 402.302, a child care facility that is exempt from licensing  
148 requirements pursuant to s. 402.316, a family day care home as  
149 defined in s. 402.302, or a large family child care home as  
150 defined in s. 402.302 without including within such  
151 advertisement the state or local agency license number,  
152 exemption number, or registration number of the ~~such~~ facility or  
153 home. As used in this section, the term "advertisement"  
154 includes, but is not limited to, the marketing of child care  
155 services to the public on vehicles; print materials; electronic  
156 media, including Internet sites; and radio and television  
157 announcements. A person who violates ~~Violation of~~ this section  
158 commits ~~is~~ a misdemeanor of the first degree, punishable as  
159 provided in s. 775.082 or s. 775.083.

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