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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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04/28/2014 04:37 PM

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Senator Gibson moved the following:

**Senate Amendment**

Delete lines 493 - 722

and insert:

1002.61, or s. 1002.88 be licensed. Each licensed or registered family child care home must conspicuously display its license or registration in the common area of the home.

(a) If not subject to license, a family child day care home must comply with this section and ~~homes shall~~ register annually with the department, providing the following information:

1. The name and address of the home.



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- 12           2. The name of the operator.
- 13           3. The number of children served.
- 14           4. Proof of a written plan to identify a ~~provide at least~~  
15 ~~one other~~ competent adult who has met the screening and training  
16 requirements of the department to serve as a designated ~~to be~~  
17 ~~available to~~ substitute for the operator ~~in an emergency~~. This  
18 plan must ~~shall~~ include the name, address, and telephone number  
19 of the designated substitute who will serve in the absence of  
20 the operator.
- 21           ~~5. Proof of screening and background checks.~~
- 22           ~~6. Proof of successful completion of the 30-hour training~~  
23 ~~course, as evidenced by passage of a competency examination,~~  
24 ~~which shall include:~~
- 25           ~~a. State and local rules and regulations that govern child~~  
26 ~~care.~~
- 27           ~~b. Health, safety, and nutrition.~~
- 28           ~~c. Identifying and reporting child abuse and neglect.~~
- 29           ~~d. Child development, including typical and atypical~~  
30 ~~language development; and cognitive, motor, social, and self-~~  
31 ~~help skills development.~~
- 32           ~~e. Observation of developmental behaviors, including using~~  
33 ~~a checklist or other similar observation tools and techniques to~~  
34 ~~determine a child's developmental level.~~
- 35           ~~f. Specialized areas, including early literacy and language~~  
36 ~~development of children from birth to 5 years of age, as~~  
37 ~~determined by the department, for owner-operators of family day~~  
38 ~~care homes.~~
- 39           ~~5.7.~~ Proof that immunization records are kept current.
- 40           ~~8. Proof of completion of the required continuing education~~



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41 ~~units or clock hours.~~

42

43 Upon receipt of registration information submitted by a family  
44 child care home, the department shall verify that the home is in  
45 compliance with the background screening requirements of  
46 subsection (3) and that the operator and the designated  
47 substitute are in compliance with applicable training  
48 requirements of subsection (4).

49 (b) A family child ~~day~~ care home may volunteer to be  
50 licensed ~~under this act.~~

51 (c) The department may provide technical assistance to  
52 counties and operators of family child ~~day~~ care homes ~~home~~  
53 ~~providers~~ to enable counties and operators ~~family day care~~  
54 ~~providers~~ to achieve compliance with family child ~~day~~ care home  
55 ~~homes~~ standards.

56 (2) This information shall be included in a directory to be  
57 published annually by the department to inform the public of  
58 available child care facilities.

59 (3) Child care personnel in family child ~~day~~ care homes are  
60 ~~shall be~~ subject to the applicable screening provisions  
61 contained in ss. 402.305(2) and 402.3055. For purposes of  
62 screening in family child ~~day~~ care homes, the term "child care  
63 personnel" includes the operator, the designated substitute, any  
64 member over the age of 12 years of a family child ~~day~~ care home  
65 operator's family, or persons over the age of 12 years residing  
66 with the operator in the family child ~~day~~ care home. Members of  
67 the operator's family, or persons residing with the operator,  
68 who are between the ages of 12 years and 18 years shall not be  
69 required to be fingerprinted, but shall be screened for



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70 delinquency records.

71 (4) (a) Before licensure and before caring for children,  
72 operators of family child day care homes and an individual  
73 servicing as a substitute for the operator who works 40 hours or  
74 more per month on average must:

75 1. Successfully complete an approved 30-clock-hour  
76 introductory course in child care, as evidenced by passage of a  
77 competency examination, before caring for children. The course  
78 must include:

79 a. State and local rules and regulations that govern child  
80 care.

81 b. Health, safety, and nutrition.

82 c. Identifying and reporting child abuse and neglect.

83 d. Child development, including typical and atypical  
84 language development, and cognitive, motor, social, and  
85 executive functioning skills development.

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

89 f. Specialized areas, including numeracy, early literacy,  
90 and language development of children from birth to 5 years of  
91 age, as determined by the department, for operators of family  
92 child care homes.

93 ~~(5) In order to further develop their child care skills~~  
94 ~~and, if appropriate, their administrative skills, operators of~~  
95 ~~family day care homes shall be required to complete an~~  
96 ~~additional 1 continuing education unit of approved training or~~  
97 ~~10 clock hours of equivalent training, as determined by the~~  
98 ~~department, annually.~~



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99           ~~2.(6) Operators of family day care homes shall be required~~  
100 ~~to~~ Complete 0.5 continuing education unit of approved training  
101 in numeracy, early literacy, and language development of  
102 children from birth to 5 years of age one time. For an operator,  
103 the year that this training is completed, it shall fulfill the  
104 0.5 continuing education unit or 5 clock hours of the annual  
105 training required in paragraph (c) subsection (5).

106           3. Complete training in first aid and infant and child  
107 cardiopulmonary resuscitation as evidenced by current  
108 documentation of course completion.

109           (b) Before licensure and before caring for children, family  
110 child care home substitutes who work fewer than 40 hours per  
111 month on average must complete the department's 6-clock-hour  
112 Family Child Care Home Rules and Regulations training, as  
113 evidenced by successful completion of a competency examination  
114 and first aid and infant and child cardiopulmonary resuscitation  
115 training under subparagraph (a)3. A substitute who has  
116 successfully completed the 3-clock-hour Fundamentals of Child  
117 Care training established by rules of the department or the 30-  
118 clock-hour training under subparagraph (a)1. is not required to  
119 complete the 6-clock-hour Family Child Care Home Rules and  
120 Regulations training.

121           (c) Operators of family day care homes must annually  
122 complete an additional 1 continuing education unit of approved  
123 training regarding child care and administrative skills or 10  
124 clock hours of equivalent training, as determined by the  
125 department.

126           ~~(5)(7)~~ Operators of family child day care homes must ~~shall~~  
127 ~~be required~~ annually ~~to~~ complete a health and safety home



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128 inspection self-evaluation checklist developed by the department  
129 in conjunction with the statewide resource and referral program.  
130 The completed checklist shall be signed by the operator of the  
131 family child day care home and provided to parents as  
132 certification that basic health and safety standards are being  
133 met.

134 ~~(6)-(8)~~ Operators of family child day care homes ~~home~~  
135 ~~operators~~ may avail themselves of supportive services offered by  
136 the department.

137 ~~(7)-(9)~~ The department shall prepare a brochure on family  
138 child day care for distribution by the department and by local  
139 licensing agencies, if appropriate, to family child day care  
140 homes for distribution to parents using ~~utilizing~~ such child  
141 care, and to all interested persons, including physicians and  
142 other health professionals; mental health professionals; school  
143 teachers or other school personnel; social workers or other  
144 professional child care, foster care, residential, or  
145 institutional workers; and law enforcement officers. The  
146 brochure shall, at a minimum, contain the following information:

147 (a) A brief description of the requirements for family  
148 child day care registration, training, and background  
149 ~~fingerprinting and screening~~.

150 (b) A listing of those counties that require licensure of  
151 family child day care homes. Such counties shall provide an  
152 addendum to the brochure that provides a brief description of  
153 the licensure requirements or may provide a brochure in lieu of  
154 the one described in this subsection, provided it contains all  
155 the required information on licensure and the required  
156 information in the subsequent paragraphs.



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157 (c) A statement indicating that information about the  
158 family child day care home's compliance with applicable state or  
159 local requirements can be obtained from ~~by telephoning~~ the  
160 department ~~office~~ or ~~the office of~~ the local licensing agency,  
161 including the, if appropriate, at a telephone number or numbers  
162 and website address for the department or local licensing  
163 agency, as applicable ~~which shall be affixed to the brochure.~~

164 (d) The statewide toll-free telephone number of the central  
165 abuse hotline, together with a notice that reports of suspected  
166 and actual child physical abuse, sexual abuse, and neglect are  
167 received and referred for investigation by the hotline.

168 (e) Any other information relating to competent child care  
169 that the department or local licensing agency, if preparing a  
170 separate brochure, considers ~~deems would be~~ helpful to parents  
171 and other caretakers in their selection of a family child day  
172 care home.

173 ~~(8)~~ ~~(10)~~ On an annual basis, the department shall evaluate  
174 the registration and licensure system for family child day care  
175 homes. Such evaluation shall, at a minimum, address the  
176 following:

177 (a) The number of family child day care homes registered  
178 and licensed and the dates of such registration and licensure.

179 (b) The number of children being served in both registered  
180 and licensed family child day care homes and any available slots  
181 in such homes.

182 (c) The number of complaints received concerning family  
183 child day care, the nature of the complaints, and the resolution  
184 of such complaints.

185 (d) The training activities used ~~utilized~~ by child care



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186 personnel in family child ~~day~~ care homes for meeting the state  
187 or local training requirements.

188  
189 The evaluation shall be used ~~utilized~~ by the department in any  
190 administrative modifications or adjustments to be made in the  
191 registration of family child ~~day~~ care homes or in any  
192 legislative requests for modifications to the system of  
193 registration or to other requirements for family child ~~day~~ care  
194 homes.

195 ~~(11) In order to inform the public of the state requirement~~  
196 ~~for registration of family day care homes as well as the other~~  
197 ~~requirements for such homes to legally operate in the state, the~~  
198 ~~department shall institute a media campaign to accomplish this~~  
199 ~~end. Such a campaign shall include, at a minimum, flyers,~~  
200 ~~newspaper advertisements, radio advertisements, and television~~  
201 ~~advertisements.~~

202 (9) ~~(12)~~ Notwithstanding any other state or local law or  
203 ordinance, any family child ~~day~~ care home licensed pursuant to  
204 this chapter or pursuant to a county ordinance shall be charged  
205 the utility rates accorded to a residential home. A licensed  
206 family child ~~day~~ care home may not be charged commercial utility  
207 rates.

208 (10) ~~(13)~~ The department shall, by rule, establish minimum  
209 standards for family child ~~day~~ care homes that are required to  
210 be licensed by county licensing ordinance or county licensing  
211 resolution or that voluntarily choose to be licensed. The  
212 standards should include requirements for staffing, training,  
213 maintenance of immunization records, minimum health and safety  
214 standards, reduced standards for the regulation of child care





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215 during evening hours by municipalities and counties, and  
216 enforcement of standards. Additionally, the department shall, by  
217 rule, adopt procedures for verifying a registered family child  
218 care home's compliance with background screening and training  
219 requirements.

220 ~~(11)(14) During the months of August and September of each~~  
221 ~~year,~~ Each family child day care home shall provide parents of  
222 children enrolling ~~enrolled~~ in the home detailed information  
223 regarding the causes, symptoms, and transmission of the  
224 influenza virus in an effort to educate those parents regarding  
225 the importance of immunizing their children against influenza as  
226 recommended by the Advisory Committee on Immunization Practices  
227 of the Centers for Disease Control and Prevention.

228 Section 11. Subsections (1), (3), (5), and (9) of section  
229 402.3131, Florida Statutes, are amended, and subsection (10) is  
230 added to that section, to read:

231 402.3131 Large family child care homes.—

232 (1) A large family child care home must ~~homes shall~~ be  
233 licensed under this section and conspicuously display its  
234 license in the common area of the home.

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

240 (b) The department may provide technical assistance to  
241 counties and family day care home providers to enable the  
242 counties and providers to achieve compliance with minimum  
243 standards for large family child care homes.