



840922

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 1/AD/3R

.

05/02/2014 09:26 PM

.

.

---

Senator Gibson moved the following:

**Senate Amendment (with title amendment)**

Delete lines 98 - 894

and insert:

Section 1. The Division of Law Revision and Information is directed to prepare a reviser's bill for the 2015 Regular Session of the Legislature to change the term "family day care home" to "family child care home" and the term "family day care" to "family child care" wherever they appear in the Florida Statutes.

Section 2. Section 125.0109, Florida Statutes, is amended



840922

12 to read:

13           125.0109 Family day care homes and large family child care  
14 homes; local zoning regulation.—The operation of a residence as  
15 a family day care home or large family child care home, as  
16 defined in s. 402.302, licensed or registered pursuant to s.  
17 402.313 or s. 402.3131, as applicable, constitutes, ~~as defined~~  
18 ~~by law, registered or licensed with the Department of Children~~  
19 ~~and Family Services shall constitute~~ a valid residential use for  
20 purposes of any local zoning regulations, and no such regulation  
21 shall require the owner or operator of such family day care home  
22 or large family child care home to obtain any special exemption  
23 or use permit or waiver, or to pay any special fee in excess of  
24 \$50, to operate in an area zoned for residential use.

25           Section 3. Section 166.0445, Florida Statutes, is amended  
26 to read:

27           166.0445 Family day care homes and large family child care  
28 homes; local zoning regulation.—The operation of a residence as  
29 a family day care home or large family child care home, as  
30 defined in s. 402.302, licensed or registered pursuant to s.  
31 402.313 or s. 402.3131, as applicable, constitutes, ~~as defined~~  
32 ~~by law, registered or licensed with the Department of Children~~  
33 ~~and Family Services shall constitute~~ a valid residential use for  
34 purposes of any local zoning regulations, and ~~no~~ such regulation  
35 may not shall require the owner or operator of such family day  
36 care home or large family child care home to obtain any special  
37 exemption or use permit or waiver, or to pay any special fee in  
38 excess of \$50, to operate in an area zoned for residential use.

39           Section 4. Subsection (17) of section 402.302, Florida  
40 Statutes, is amended to read:



840922

41 402.302 Definitions.—As used in this chapter, the term:  
42 (17) “Substantial compliance” means, for purposes of  
43 programs operating under s. 1002.55, s. 1002.61, or s. 1002.88,  
44 ~~that level of adherence to adopted standards~~ which is sufficient  
45 to safeguard the health, safety, and well-being of all children  
46 under care. The standards must address requirements found in s.  
47 402.305 and are limited to supervision, transportation, access,  
48 health-related requirements, food and nutrition, personnel  
49 screening, records, and enforcement of these standards. The  
50 standards must not limit or exclude the curriculum provided by a  
51 faith-based provider or nonpublic school. The department, in  
52 consultation with the Office of Early Learning, must adopt rules  
53 to define and enforce substantial compliance with minimum  
54 standards for child care facilities for programs operating under  
55 s. 1002.55, s. 1002.61, or s. 1002.88 which are regulated, but  
56 not licensed, by the department ~~Substantial compliance is~~  
57 ~~greater than minimal adherence but not to the level of absolute~~  
58 ~~adherence. Where a violation or variation is identified as the~~  
59 ~~type which impacts, or can be reasonably expected within 90 days~~  
60 ~~to impact, the health, safety, or well-being of a child, there~~  
61 ~~is no substantial compliance.~~

62 Section 5. Paragraphs (d) and (e) of subsection (2) of  
63 section 402.3025, Florida Statutes, are amended to read:

64 402.3025 Public and nonpublic schools.—For the purposes of  
65 ss. 402.301-402.319, the following shall apply:

66 (2) NONPUBLIC SCHOOLS.—

67 (d)1. Nonpublic schools delivering programs under s.  
68 1002.55, s. 1002.61, or s. 1002.88 ~~Programs for children who are~~  
69 ~~at least 3 years of age, but under 5 years of age, which are not~~



840922

70 licensed under ss. 402.301-402.319 shall substantially comply  
71 with the minimum child care standards adopted ~~promulgated~~  
72 pursuant to ss. 402.305-402.3057.

73 2. The department or local licensing agency shall enforce  
74 compliance with such standards, where possible, to eliminate or  
75 minimize duplicative inspections or visits by staff enforcing  
76 the minimum child care standards and staff enforcing other  
77 standards under the jurisdiction of the department.

78 3. The department or local licensing agency may inspect  
79 programs operating under this paragraph and pursue  
80 administrative or judicial action under ss. 402.310-402.312  
81 against nonpublic schools operating under this paragraph  
82 ~~commence and maintain all proper and necessary actions and~~  
83 ~~proceedings for any or all of the following purposes:~~

84 ~~a. to protect the health, sanitation, safety, and well-~~  
85 ~~being of all children under care.~~

86 ~~b. To enforce its rules and regulations.~~

87 ~~c. To use corrective action plans, whenever possible, to~~  
88 ~~attain compliance prior to the use of more restrictive~~  
89 ~~enforcement measures.~~

90 ~~d. To make application for injunction to the proper circuit~~  
91 ~~court, and the judge of that court shall have jurisdiction upon~~  
92 ~~hearing and for cause shown to grant a temporary or permanent~~  
93 ~~injunction, or both, restraining any person from violating or~~  
94 ~~continuing to violate any of the provisions of ss. 402.301-~~  
95 ~~402.319. Any violation of this section or of the standards~~  
96 ~~applied under ss. 402.305-402.3057 which threatens harm to any~~  
97 ~~child in the school's programs for children who are at least 3~~  
98 ~~years of age, but are under 5 years of age, or repeated~~



840922

99 ~~violations of this section or the standards under ss. 402.305-~~  
100 ~~402.3057, shall be grounds to seek an injunction to close a~~  
101 ~~program in a school.~~

102 ~~e. To impose an administrative fine, not to exceed \$100,~~  
103 ~~for each violation of the minimum child care standards~~  
104 ~~promulgated pursuant to ss. 402.305-402.3057.~~

105 4. It is a misdemeanor of the first degree, punishable as  
106 provided in s. 775.082 or s. 775.083, for any person willfully,  
107 knowingly, or intentionally to:

108 a. Fail, by false statement, misrepresentation,  
109 impersonation, or other fraudulent means, to disclose in any  
110 required written documentation for exclusion from licensure  
111 pursuant to this section a material fact used in making a  
112 determination as to such exclusion; or

113 b. Use information from the criminal records obtained under  
114 s. 402.305 or s. 402.3055 for any purpose other than screening  
115 that person for employment as specified in those sections or  
116 release such information to any other person for any purpose  
117 other than screening for employment as specified in those  
118 sections.

119 5. It is a felony of the third degree, punishable as  
120 provided in s. 775.082, s. 775.083, or s. 775.084, for any  
121 person willfully, knowingly, or intentionally to use information  
122 from the juvenile records of any person obtained under s.  
123 402.305 or s. 402.3055 for any purpose other than screening for  
124 employment as specified in those sections or to release  
125 information from such records to any other person for any  
126 purpose other than screening for employment as specified in  
127 those sections.



840922

128           6. The inclusion of nonpublic schools within options  
129 available under ss. 1002.55, 1002.61, and 1002.88 does not  
130 expand the regulatory authority of the state, its officers, any  
131 local licensing agency, or any early learning coalition to  
132 impose any additional regulation of nonpublic schools beyond  
133 those reasonably necessary to enforce requirements expressly set  
134 forth in this paragraph.

135           ~~(e) The department and the nonpublic school accrediting~~  
136 ~~agencies are encouraged to develop agreements to facilitate the~~  
137 ~~enforcement of the minimum child care standards as they relate~~  
138 ~~to the schools which the agencies accredit.~~

139           Section 6. Paragraphs (a) and (d) of subsection (2),  
140 paragraph (b) of subsection (9), and subsections (10) and (18)  
141 of section 402.305, Florida Statutes, are amended to read:

142           402.305 Licensing standards; child care facilities.—

143           (2) PERSONNEL.—Minimum standards for child care personnel  
144 shall include minimum requirements as to:

145           (a) Good moral character based upon screening, according to  
146 the level 2 screening requirements of. ~~This screening shall be~~  
147 ~~conducted as provided in chapter 435, using the level 2~~  
148 ~~standards for screening set forth in that chapter.~~ In addition  
149 to the offenses listed in s. 435.04, all child care personnel  
150 required to undergo background screening pursuant to this  
151 section may not have an arrest awaiting final disposition for,  
152 may not have been found guilty of, regardless of adjudication,  
153 or entered a plea of nolo contendere or guilty to, and may not  
154 have been adjudicated delinquent and have a record that has been  
155 sealed or expunged for an offense specified in s. 39.205. Before  
156 employing child care personnel subject to this section, the



840922

157 employer must conduct employment history checks of each of the  
158 personnel's previous employers and document the findings. If  
159 unable to contact a previous employer, the employer must  
160 document efforts to contact the employer.

161 (d) Minimum training requirements for child care personnel.

162 1. Such minimum standards for training shall ensure that  
163 all child care personnel take an approved 40-clock-hour  
164 introductory course in child care, which course covers at least  
165 the following topic areas:

166 a. State and local rules and regulations which govern child  
167 care.

168 b. Health, safety, and nutrition.

169 c. Identifying and reporting child abuse and neglect.

170 d. Child development, including typical and atypical  
171 language, cognitive, motor, social, and self-help skills  
172 development.

173 e. Observation of developmental behaviors, including using  
174 a checklist or other similar observation tools and techniques to  
175 determine the child's developmental age level.

176 f. Specialized areas, including computer technology for  
177 professional and classroom use and numeracy, early literacy, and  
178 language development of children from birth to 5 years of age,  
179 as determined by the department, for owner-operators and child  
180 care personnel of a child care facility.

181 g. Developmental disabilities, including autism spectrum  
182 disorder and Down syndrome, and early identification, use of  
183 available state and local resources, classroom integration, and  
184 positive behavioral supports for children with developmental  
185 disabilities.



186  
187 Within 90 days after employment, child care personnel shall  
188 begin training to meet the training requirements pursuant to  
189 this paragraph. Child care personnel shall successfully complete  
190 such training within 1 year after the date on which the training  
191 began, as evidenced by passage of a competency examination.  
192 Successful completion of the 40-clock-hour introductory course  
193 shall articulate into community college credit in early  
194 childhood education, pursuant to ss. 1007.24 and 1007.25.  
195 Exemption from all or a portion of the required training shall  
196 be granted to child care personnel based upon educational  
197 credentials or passage of competency examinations. Child care  
198 personnel possessing a 2-year degree or higher that includes 6  
199 college credit hours in early childhood development or child  
200 growth and development, or a child development associate  
201 credential or an equivalent state-approved child development  
202 associate credential, or a child development associate waiver  
203 certificate shall be automatically exempted from the training  
204 requirements in sub-subparagraphs b., d., and e.

205         2. The introductory course in child care shall stress, to  
206 the extent possible, an interdisciplinary approach to the study  
207 of children.

208         3. The introductory course shall cover recognition and  
209 prevention of shaken baby syndrome; prevention of sudden infant  
210 death syndrome; recognition and care of infants and toddlers  
211 with developmental disabilities, including autism spectrum  
212 disorder and Down syndrome; and early childhood brain  
213 development within the topic areas identified in this paragraph.

214         4. On an annual basis in order to further their child care





840922

215 skills and, if appropriate, administrative skills, child care  
216 personnel who have fulfilled the requirements for the child care  
217 training shall be required to take an additional 1 continuing  
218 education unit of approved inservice training, or 10 clock hours  
219 of equivalent training, as determined by the department.

220 5. Child care personnel shall be required to complete 0.5  
221 continuing education unit of approved training or 5 clock hours  
222 of equivalent training, as determined by the department, in  
223 numeracy, early literacy, and language development of children  
224 from birth to 5 years of age one time. The year that this  
225 training is completed, it shall fulfill the 0.5 continuing  
226 education unit or 5 clock hours of the annual training required  
227 in subparagraph 4.

228 6. Procedures for ensuring the training of qualified child  
229 care professionals to provide training of child care personnel,  
230 including onsite training, shall be included in the minimum  
231 standards. It is recommended that the state community child care  
232 coordination agencies (central agencies) be contracted by the  
233 department to coordinate such training when possible. Other  
234 district educational resources, such as community colleges and  
235 career programs, can be designated in such areas where central  
236 agencies may not exist or are determined not to have the  
237 capability to meet the coordination requirements set forth by  
238 the department.

239 7. Training requirements do ~~shall~~ not apply to certain  
240 occasional or part-time support staff, including, but not  
241 limited to, swimming instructors, piano teachers, dance  
242 instructors, and gymnastics instructors.

243 8. The department shall evaluate or contract for an



840922

244 evaluation for the general purpose of determining the status of  
245 and means to improve staff training requirements and testing  
246 procedures. The evaluation shall be conducted every 2 years. The  
247 evaluation must ~~shall~~ include, but not be limited to,  
248 determining the availability, quality, scope, and sources of  
249 current staff training; determining the need for specialty  
250 training; and determining ways to increase inservice training  
251 and ways to increase the accessibility, quality, and cost-  
252 effectiveness of current and proposed staff training. The  
253 evaluation methodology must ~~shall~~ include a reliable and valid  
254 survey of child care personnel.

255 9. The child care operator shall be required to take basic  
256 training in serving children with disabilities within 5 years  
257 after employment, either as a part of the introductory training  
258 or the annual 8 hours of inservice training.

259 (9) ADMISSIONS AND RECORDKEEPING.—

260 (b) ~~During the months of August and September of each year,~~  
261 Each child care facility shall provide parents of children  
262 enrolling ~~enrolled~~ in the facility detailed information  
263 regarding the causes, symptoms, and transmission of the  
264 influenza virus in an effort to educate those parents regarding  
265 the importance of immunizing their children against influenza as  
266 recommended by the Advisory Committee on Immunization Practices  
267 of the Centers for Disease Control and Prevention.

268 (10) TRANSPORTATION SAFETY.—Minimum standards must ~~shall~~  
269 include requirements for child restraints or seat belts in  
270 vehicles used by child care facilities, ~~and~~ large family child  
271 care homes, and licensed family day care homes to transport  
272 children, requirements for annual inspections of the vehicles,



840922

273 limitations on the number of children in the vehicles, and  
274 accountability for children being transported.

275 (18) TRANSFER OF OWNERSHIP.—

276 (a) One week before ~~prior to~~ the transfer of ownership of a  
277 child care facility, ~~or~~ family day care home, or large family  
278 child care home, the transferor shall notify the parent or  
279 caretaker of each child of the impending transfer.

280 (b) The owner of a child care facility, family day care  
281 home, or large family child care home may not transfer ownership  
282 to a relative of the operator if the operator has had his or her  
283 license suspended or revoked by the department pursuant to s.  
284 402.310, has received notice from the department that reasonable  
285 cause exists to suspend or revoke the license, or has been  
286 placed on the United States Department of Agriculture National  
287 Disqualified List. For purposes of this paragraph, "relative"  
288 means father, mother, son, daughter, grandfather, grandmother,  
289 brother, sister, uncle, aunt, cousin, nephew, niece, husband,  
290 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
291 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
292 stepdaughter, stepbrother, stepsister, half-brother, or half-  
293 sister.

294 (c) ~~(b)~~ The department shall, by rule, establish methods by  
295 which notice will be achieved and minimum standards by which to  
296 implement this subsection.

297 Section 7. Section 402.3085, Florida Statutes, is created  
298 to read:

299 402.3085 Certificate of substantial compliance with minimum  
300 child care standards.—Each nonpublic school or provider seeking  
301 to operate a program pursuant to s. 402.3025(2) (d) or s.



840922

302 402.316(4), respectively, shall annually obtain a certificate  
303 from the department or local licensing agency in the manner and  
304 on the forms prescribed by the department or local licensing  
305 agency. An annual certificate or a renewal of an annual  
306 certificate shall be issued upon an examination of the  
307 applicant's premises and records to determine that the applicant  
308 is in substantial compliance with the minimum child care  
309 standards. A provider may not participate in these programs  
310 without this certification. Local licensing agencies may apply  
311 their own minimum child care standards if the department  
312 determines that such standards meet or exceed department  
313 standards as provided in s. 402.307.

314 Section 8. Section 402.311, Florida Statutes, is amended to  
315 read:

316 402.311 Inspection.—A licensed child care facility or  
317 program regulated by the department shall accord to the  
318 department or the local licensing agency, whichever is  
319 applicable, the privilege of inspection, including access to  
320 facilities and personnel and to those records required in s.  
321 402.305, at reasonable times during regular business hours, to  
322 ensure compliance with ~~the provisions of~~ ss. 402.301-402.319.  
323 The right of entry and inspection shall also extend to any  
324 premises which the department or local licensing agency has  
325 reason to believe are being operated or maintained as a child  
326 care facility or program ~~without a license~~, but no such entry or  
327 inspection of any premises shall be made without the permission  
328 of the person in charge thereof unless a warrant is first  
329 obtained from the circuit court authorizing same. Any  
330 application for a license, application for authorization to



840922

331 operate a child care program which must maintain substantial  
332 compliance with child care standards adopted under this chapter,  
333 ~~or renewal of such license or authorization, made pursuant to~~  
334 ~~this act~~ or the advertisement to the public for the provision of  
335 child care as defined in s. 402.302 constitutes ~~shall constitute~~  
336 permission for any entry to or inspection of the subject  
337 ~~premises for which the license is sought in order~~ to facilitate  
338 verification of the information submitted on or in connection  
339 with the application. In the event a ~~licensed~~ facility or  
340 program refuses permission for entry or inspection to the  
341 department or local licensing agency, a warrant shall be  
342 obtained from the circuit court authorizing same before ~~prior to~~  
343 such entry or inspection. The department or local licensing  
344 agency may institute disciplinary proceedings pursuant to s.  
345 402.310~~7~~ for such refusal.

346 Section 9. Section 402.3115, Florida Statutes, is amended  
347 to read:

348 402.3115 ~~Elimination of duplicative and unnecessary~~  
349 ~~inspections;~~ Abbreviated inspections. ~~The Department of Children~~  
350 ~~and Family Services and local governmental agencies that license~~  
351 ~~child care facilities shall develop and implement a plan to~~  
352 ~~eliminate duplicative and unnecessary inspections of child care~~  
353 ~~facilities. In addition,~~ The department and the local licensing  
354 ~~governmental~~ agencies shall conduct ~~develop and implement an~~  
355 abbreviated inspections of ~~inspection plan for~~ child care  
356 facilities licensed under s. 402.305, family day care homes  
357 licensed under s. 402.313, and large family child care homes  
358 licensed under s. 402.3131 that have had no class I ~~±~~ or class  
359 II violations ~~2 deficiencies~~, as defined by rule, for at least 2



840922

360 consecutive years. The abbreviated inspection must include those  
361 elements identified by the department and the local licensing  
362 ~~governmental~~ agencies as being key indicators of whether the  
363 child care facility continues to provide quality care and  
364 programming. The department shall adopt rules establishing  
365 criteria and procedures for abbreviated inspections and  
366 inspection schedules that provide for both announced and  
367 unannounced inspections.

368 Section 10. Section 402.313, Florida Statutes, is amended  
369 to read:

370 402.313 Family day care homes.—

371 (1) A family day care home must ~~homes shall~~ be licensed  
372 under this section ~~act~~ if it is ~~they are~~ presently being  
373 licensed under an existing county licensing ordinance, ~~or if~~ the  
374 board of county commissioners passes a resolution that requires  
375 licensure of family day care homes, or the family day care home  
376 is operating a program under s. 1002.55, s. 1002.61, or s.  
377 1002.88 ~~be licensed~~. Each licensed or registered family day care  
378 home must conspicuously display its license or registration in  
379 the common area of the home.

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

- 383 1. The name and address of the home.
- 384 2. The name of the operator.
- 385 3. The number of children served.
- 386 4. Proof of a written plan to identify a ~~provide at least~~  
387 ~~one other~~ competent adult who has met the screening and training  
388 requirements of the department to serve as a designated ~~to be~~



840922

389 ~~available to~~ substitute for the operator ~~in an emergency~~. This  
390 plan ~~must~~ shall include the name, address, and telephone number  
391 of the designated substitute who will serve in the absence of  
392 the operator.

393 ~~5. Proof of screening and background checks.~~

394 ~~6. Proof of successful completion of the 30-hour training~~  
395 ~~course, as evidenced by passage of a competency examination,~~  
396 ~~which shall include:~~

397 ~~a. State and local rules and regulations that govern child~~  
398 ~~care.~~

399 ~~b. Health, safety, and nutrition.~~

400 ~~c. Identifying and reporting child abuse and neglect.~~

401 ~~d. Child development, including typical and atypical~~  
402 ~~language development; and cognitive, motor, social, and self-~~  
403 ~~help skills development.~~

404 ~~e. Observation of developmental behaviors, including using~~  
405 ~~a checklist or other similar observation tools and techniques to~~  
406 ~~determine a child's developmental level.~~

407 ~~f. Specialized areas, including early literacy and language~~  
408 ~~development of children from birth to 5 years of age, as~~  
409 ~~determined by the department, for owner operators of family day~~  
410 ~~care homes.~~

411 ~~5.7.~~ Proof that immunization records are kept current.

412 ~~8. Proof of completion of the required continuing education~~  
413 ~~units or clock hours.~~

414

415 Upon receipt of registration information submitted by a family  
416 day care home pursuant to this paragraph, the department shall  
417 verify that the home is in compliance with the background



840922

418 screening requirements in subsection (3) and that the operator  
419 and the designated substitute are in compliance with applicable  
420 training requirements of subsection (4).

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

423 (c) The department may provide technical assistance to  
424 counties and operators of family day care homes ~~home providers~~  
425 to enable counties and operators ~~family day care providers~~ to  
426 achieve compliance with family day care home ~~homes~~ standards.

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

430 (3) Child care personnel in family day care homes are ~~shall~~  
431 ~~be~~ subject to the applicable screening provisions contained in  
432 ss. 402.305(2) and 402.3055. For purposes of screening in family  
433 day care homes, the term "child care personnel" includes the  
434 operator, the designated substitute, any member over the age of  
435 12 years of a family day care home operator's family, or persons  
436 over the age of 12 years residing with the operator in the  
437 family day care home. Members of the operator's family, or  
438 persons residing with the operator, who are between the ages of  
439 12 years and 18 years may ~~shall~~ not be required to be  
440 fingerprinted, but shall be screened for delinquency records.

441 (4) (a) Before licensure and before caring for children,  
442 operators of family day care homes and an individual serving as  
443 a substitute for the operator who works 40 hours or more per  
444 month on average must:

445 1. Successfully complete an approved 30-clock-hour  
446 introductory course in child care, as evidenced by passage of a





447 competency examination, ~~before caring for children.~~ The course  
448 must include:

449 a. State and local rules and regulations that govern child  
450 care.

451 b. Health, safety, and nutrition.

452 c. Identifying and reporting child abuse and neglect.

453 d. Child development, including typical and atypical  
454 language development, and cognitive, motor, social, and  
455 executive functioning skills development.

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

459 f. Specialized areas, including numeracy, early literacy,  
460 and language development of children from birth to 5 years of  
461 age, as determined by the department, for operators of family  
462 day care homes.

463 ~~(5) In order to further develop their child care skills~~  
464 ~~and, if appropriate, their administrative skills, operators of~~  
465 ~~family day care homes shall be required to complete an~~  
466 ~~additional 1 continuing education unit of approved training or~~  
467 ~~10 clock hours of equivalent training, as determined by the~~  
468 ~~department, annually.~~

469 ~~2.(6) Operators of family day care homes shall be required~~  
470 ~~to~~ Complete a 0.5 continuing education unit of approved training  
471 in numeracy, early literacy, and language development of  
472 children from birth to 5 years of age one time. For an operator,  
473 the year that this training is completed, it shall fulfill the  
474 0.5 continuing education unit or 5 clock hours of the annual  
475 training required in paragraph (c) subsection (5).



840922

476 3. Complete training in first aid and infant and child  
477 cardiopulmonary resuscitation as evidenced by current  
478 documentation of course completion.

479 (b) Before licensure and before caring for children, family  
480 day care home substitutes who work fewer than 40 hours per month  
481 on average must complete the department's 6-clock-hour Family  
482 Child Care Home Rules and Regulations training, as evidenced by  
483 successful completion of a competency examination and first aid  
484 and infant and child cardiopulmonary resuscitation training  
485 under subparagraph (a)3. A substitute who has successfully  
486 completed the 3-clock-hour Fundamentals of Child Care training  
487 established by rules of the department or the 30-clock-hour  
488 training under subparagraph (a)1. is not required to complete  
489 the 6-clock-hour Family Child Care Home Rules and Regulations  
490 training.

491 (c) Operators of family day care homes must annually  
492 complete an additional 1 continuing education unit of approved  
493 training regarding child care and administrative skills or 10  
494 clock hours of equivalent training, as determined by the  
495 department.

496 (5) ~~(7)~~ Operators of family day care homes must ~~shall be~~  
497 ~~required~~ annually ~~to~~ complete a health and safety home  
498 inspection self-evaluation checklist developed by the department  
499 in conjunction with the statewide resource and referral program.  
500 The completed checklist shall be signed by the operator of the  
501 family day care home and provided to parents as certification  
502 that basic health and safety standards are being met.

503 (6) ~~(8)~~ Operators of family day care homes ~~home operators~~  
504 may avail themselves of supportive services offered by the



840922

505 department.

506 ~~(7)-(9)~~ The department shall prepare a brochure on family  
507 day care for distribution by the department and by local  
508 licensing agencies, if appropriate, to family day care homes for  
509 distribution to parents using ~~utilizing~~ such child care, and to  
510 all interested persons, including physicians and other health  
511 professionals; mental health professionals; school teachers or  
512 other school personnel; social workers or other professional  
513 child care, foster care, residential, or institutional workers;  
514 and law enforcement officers. The brochure shall, at a minimum,  
515 contain the following information:

516 (a) A brief description of the requirements for family day  
517 care registration, training, and background ~~fingerprinting and~~  
518 screening.

519 (b) A listing of those counties that require licensure of  
520 family day care homes. Such counties shall provide an addendum  
521 to the brochure that provides a brief description of the  
522 licensure requirements or may provide a brochure in lieu of the  
523 one described in this subsection, provided it contains all the  
524 required information on licensure and the required information  
525 in the subsequent paragraphs.

526 (c) A statement indicating that information about the  
527 family day care home's compliance with applicable state or local  
528 requirements can be obtained from ~~by telephoning~~ the department  
529 ~~office or the office of~~ the local licensing agency, including  
530 ~~the, if appropriate, at a~~ telephone number or numbers and  
531 website address for the department or local licensing agency, as  
532 applicable ~~which shall be affixed to the brochure.~~

533 (d) The statewide toll-free telephone number of the central



534 abuse hotline, together with a notice that reports of suspected  
535 and actual child physical abuse, sexual abuse, and neglect are  
536 received and referred for investigation by the hotline.

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

542 (8) ~~(10)~~ On an annual basis, the department shall evaluate  
543 the registration and licensure system for family day care homes.  
544 Such evaluation shall, at a minimum, address the following:

545 (a) The number of family day care homes registered and  
546 licensed and the dates of such registration and licensure.

547 (b) The number of children being served in both registered  
548 and licensed family day care homes and any available slots in  
549 such homes.

550 (c) The number of complaints received concerning family day  
551 care, the nature of the complaints, and the resolution of such  
552 complaints.

553 (d) The training activities used ~~utilized~~ by child care  
554 personnel in family day care homes for meeting the state or  
555 local training requirements.

556  
557 The evaluation, pursuant to this paragraph, shall be used  
558 ~~utilized~~ by the department in any administrative modifications  
559 or adjustments to be made in the registration of family day care  
560 homes or in any legislative requests for modifications to the  
561 system of registration or to other requirements for family day  
562 care homes.



840922

563           ~~(11) In order to inform the public of the state requirement~~  
564 ~~for registration of family day care homes as well as the other~~  
565 ~~requirements for such homes to legally operate in the state, the~~  
566 ~~department shall institute a media campaign to accomplish this~~  
567 ~~end. Such a campaign shall include, at a minimum, flyers,~~  
568 ~~newspaper advertisements, radio advertisements, and television~~  
569 ~~advertisements.~~

570           (9) ~~(12)~~ Notwithstanding any other state or local law or  
571 ordinance, any family day care home licensed pursuant to this  
572 chapter or pursuant to a county ordinance shall be charged the  
573 utility rates accorded to a residential home. A licensed family  
574 day care home may not be charged commercial utility rates.

575           (10) ~~(13)~~ The department shall, by rule, establish minimum  
576 standards for family day care homes that are required to be  
577 licensed by county licensing ordinance or county licensing  
578 resolution or that voluntarily choose to be licensed. The  
579 standards should include requirements for staffing, training,  
580 maintenance of immunization records, minimum health and safety  
581 standards, reduced standards for the regulation of child care  
582 during evening hours by municipalities and counties, and  
583 enforcement of standards. Additionally, the department shall, by  
584 rule, adopt procedures for verifying a registered family day  
585 care home's compliance with background screening and training  
586 requirements.

587           (11) ~~(14)~~ ~~During the months of August and September of each~~  
588 ~~year,~~ Each family day care home shall provide parents of  
589 children enrolling ~~enrolled~~ in the home detailed information  
590 regarding the causes, symptoms, and transmission of the  
591 influenza virus in an effort to educate those parents regarding



840922

592 the importance of immunizing their children against influenza as  
593 recommended by the Advisory Committee on Immunization Practices  
594 of the Centers for Disease Control and Prevention.

595 Section 11. Subsections (1), (3), (5), and (9) of section  
596 402.3131, Florida Statutes, are amended, and subsection (10) is  
597 added to that section, to read:

598 402.3131 Large family child care homes.—

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

602 (3) Operators of large family child care homes must  
603 successfully complete an approved 40-clock-hour introductory  
604 course in group child care, including numeracy, early literacy,  
605 and language development of children from birth to 5 years of  
606 age, as evidenced by passage of a competency examination.  
607 Successful completion of the 40-clock-hour introductory course  
608 shall articulate into community college credit in early  
609 childhood education, pursuant to ss. 1007.24 and 1007.25.

610 (5) Operators of large family child care homes shall be  
611 required to complete 0.5 continuing education unit of approved  
612 training or 5 clock hours of equivalent training, as determined  
613 by the department, in numeracy, early literacy, and language  
614 development of children from birth to 5 years of age one time.  
615 The year that this training is completed, it shall fulfill the  
616 0.5 continuing education unit or 5 clock hours of the annual  
617 training required in subsection (4).

618 (9) ~~During the months of August and September of each year,~~  
619 Each large family child care home shall provide parents of  
620 children enrolling ~~enrolled~~ in the home detailed information



840922

621 regarding the causes, symptoms, and transmission of the  
622 influenza virus in an effort to educate those parents regarding  
623 the importance of immunizing their children against influenza as  
624 recommended by the Advisory Committee on Immunization Practices  
625 of the Centers for Disease Control and Prevention.

626 (10) Notwithstanding any other state or local law or  
627 ordinance, any large family child care home licensed under this  
628 chapter or under a county ordinance shall be charged the utility  
629 rates accorded to a residential home. Such a home may not be  
630 charged commercial utility rates.

631 Section 12. Subsections (4), (5), and (6) are added to  
632 section 402.316, Florida Statutes, to read:

633 402.316 Exemptions.—

634 (4) A child care facility operating under subsection (1)  
635 which is applying to operate or is operating as a provider of a  
636 program described in s. 1002.55, s. 1002.61, or s. 1002.88 must  
637 substantially comply with the minimum standards for child care  
638 facilities adopted pursuant to ss. 402.305-402.3057 and must  
639 allow the department or local licensing agency access to monitor  
640 and enforce compliance with such standards.

641 (a) The department or local licensing agency may pursue  
642 administrative or judicial action under ss. 402.310-402.312 and  
643 the rules adopted under those sections against any child care  
644 facility operating under this subsection to enforce substantial  
645 compliance with child care facility minimum standards or to  
646 protect the health, safety, and well-being of any children in  
647 the facility's care. A child care facility operating under this  
648 subsection is subject to ss. 402.310-402.312 and the rules  
649 adopted under those sections to the same extent as a child care



840922

650 facility licensed under ss. 402.301-402.319.

651 (b) It is a misdemeanor of the first degree, punishable as  
652 provided in s. 775.082 or s. 775.083, for a person willfully,  
653 knowingly, or intentionally to:

654 1. Fail, by false statement, misrepresentation,  
655 impersonation, or other fraudulent means, to disclose in any  
656 required written documentation for exclusion from licensure  
657 pursuant to this section a material fact used in making a  
658 determination as to such exclusion; or

659 2. Use information from the criminal records obtained under  
660 s. 402.305 or s. 402.3055 for a purpose other than screening  
661 that person for employment as specified in those sections or to  
662 release such information to any other person for a purpose other  
663 than screening for employment as specified in those sections.

664 (c) It is a felony of the third degree, punishable as  
665 provided in s. 775.082, s. 775.083, or s. 775.084, for a person  
666 willfully, knowingly, or intentionally to use information from  
667 the juvenile records of a person obtained under s. 402.305 or s.  
668 402.3055 for a purpose other than screening for employment as  
669 specified in those sections or to release information from such  
670 records to any other person for a purpose other than screening  
671 for employment as specified in those sections.

672 (5) The department shall establish a fee for inspection and  
673 compliance activities performed pursuant to this section in an  
674 amount sufficient to cover costs. However, the amount of such  
675 fee for the inspection of a program may not exceed the fee  
676 imposed for child care licensure pursuant to s. 402.315.

677 (6) The inclusion of a child care facility operating under  
678 subsection (1) as a provider of a program described in s.





840922

679 1002.55, s. 1002.61, or s. 1002.88 does not expand the  
680 regulatory authority of the state, its officers, any local  
681 licensing agency, or any early learning coalition to impose any  
682 additional regulation of child care facilities beyond those  
683 reasonably necessary to enforce requirements expressly set forth  
684 in this section.

685 Section 13. Section 627.70161, Florida Statutes, is amended  
686 to read:

687 627.70161 Residential property insurance coverage; family  
688 day care homes and large family child care homes insurance.—

689 (1) PURPOSE AND INTENT.—The Legislature recognizes that  
690 family day care homes and large family child care homes fulfill  
691 a vital role in providing child care in Florida. It is the  
692 intent of the Legislature that residential property insurance  
693 coverage should not be canceled, denied, or nonrenewed solely  
694 because child ~~on the basis of the family day care services are~~  
695 provided at the residence. The Legislature also recognizes that  
696 the potential liability of residential property insurers is  
697 substantially increased by the rendition of child care services  
698 on the premises. The Legislature therefore finds that there is a  
699 public need to specify that contractual liabilities associated  
700 ~~that arise in connection~~ with the operation of a ~~the~~ family day  
701 care home or large family child care home are excluded from  
702 residential property insurance policies unless they are  
703 specifically included in such coverage.

704 (2) DEFINITIONS.—As used in this section, the term:

705 (a) "Child care" means the care, protection, and  
706 supervision of a child, for a period up to ~~of less than~~ 24 hours  
707 a day on a regular basis, which supplements parental care,



840922

708 enrichment, and health supervision for the child, in accordance  
709 with his or her individual needs, and for which a payment, fee,  
710 or grant is made for care.

711 (b) "Family day care home" has the same meaning as provided  
712 in s. 402.302(8) ~~means an occupied residence in which child care~~  
713 ~~is regularly provided for children from at least two unrelated~~  
714 ~~families and which receives a payment, fee, or grant for any of~~  
715 ~~the children receiving care, whether or not operated for a~~  
716 ~~profit.~~

717 (c) "Large family child care home" has the same meaning as  
718 provided in s. 402.302(11).

719 (3) CHILD FAMILY DAY CARE; COVERAGE.—A residential property  
720 insurance policy may ~~shall~~ not provide coverage for liability  
721 for claims arising out of, or in connection with, the operation  
722 of a family day care home or large family child care home, and  
723 the insurer shall be under no obligation to defend against  
724 lawsuits covering such claims, unless:

725 (a) Specifically covered in a policy; or

726 (b) Covered by a rider or endorsement for business coverage  
727 attached to a policy.

728 (4) DENIAL, CANCELLATION, REFUSAL TO RENEW PROHIBITED.—An  
729 insurer may not deny, cancel, or refuse to renew a policy for  
730 residential property insurance solely on the basis that the  
731 policyholder or applicant operates a family day care home or  
732 large family child care home. In addition to other lawful  
733 reasons for refusing to insure, an insurer may deny, cancel, or  
734 refuse to renew a policy of a family day care home or large  
735 family child care home provider if one or more of the following  
736 conditions occur:



840922

737 (a) The policyholder or applicant provides care for more  
738 children than authorized for family day care homes or large  
739 family child care homes by s. 402.302;

740 (b) The policyholder or applicant fails to maintain a  
741 separate commercial liability policy or an endorsement providing  
742 liability coverage for ~~the~~ family day care home or large family  
743 child care home operations;

744 (c) The policyholder or applicant fails to comply with the  
745 family day care home licensure and registration requirements  
746 specified in s. 402.313 or the large family child care home  
747 licensure requirements specified in s. 402.3131; or

748 (d) Discovery of willful or grossly negligent acts or  
749 omissions or any violations of state laws or regulations  
750 establishing safety standards for family day care homes and  
751 large family child care homes by the named insured or his or her  
752 representative which materially increase any of the risks  
753 insured.

754 Section 14. Subsections (7), (8), and (9) are added to  
755 section 1001.213, Florida Statutes, to read:

756 1001.213 Office of Early Learning.—There is created within  
757 the Office of Independent Education and Parental Choice the  
758 Office of Early Learning, as required under s. 20.15, which  
759 shall be administered by an executive director. The office shall  
760 be fully accountable to the Commissioner of Education but shall:

761 (7) Hire a general counsel who reports directly to the  
762 executive director of the office.

763 (8) Hire an inspector general who reports directly to the  
764 executive director of the office and to the Chief Inspector  
765 General pursuant to s. 14.32.



766           (9) By July 1, 2016, develop and implement, in consultation  
767 with early learning coalitions and providers of the Voluntary  
768 Prekindergarten Education Program and the school readiness  
769 program, best practices for providing parental notifications in  
770 the parent's native language to a parent whose native language  
771 is a language other than English.

772  
773 ===== T I T L E   A M E N D M E N T =====

774 And the title is amended as follows:

775           Delete lines 2 - 48

776 and insert:

777           An act relating to education; providing a directive to  
778           the Division of Law Revision and Information; changing  
779           the term "family day care home" to "family child care  
780           home" and the term "family day care" to "family child  
781           care"; amending ss. 125.0109 and 166.0445, F.S.;  
782           including large family child care homes in local  
783           zoning regulation requirements; amending s. 402.302,  
784           F.S.; revising the definition of the term "substantial  
785           compliance"; requiring the Department of Children and  
786           Families to adopt rules for compliance by certain  
787           programs not licensed by the department; amending s.  
788           402.3025, F.S.; providing requirements for nonpublic  
789           schools delivering certain voluntary prekindergarten  
790           education programs and school readiness programs;  
791           amending s. 402.305, F.S.; revising certain minimum  
792           standards for child care facilities; creating s.  
793           402.3085, F.S.; requiring nonpublic schools or  
794           providers seeking to operate certain programs to



840922

795 annually obtain a certificate from the department or a  
796 local licensing agency; providing for issuance of the  
797 certificate upon examination of the applicant's  
798 premises and records; prohibiting a provider from  
799 participating in the programs without a certificate;  
800 authorizing local licensing agencies to apply their  
801 own minimum child care standards under certain  
802 circumstances; amending s. 402.311, F.S.; providing  
803 for the inspection of programs regulated by the  
804 department; amending s. 402.3115, F.S.; providing for  
805 abbreviated inspections of specified child care and  
806 day care homes; requiring the department to adopt  
807 rules; amending s. 402.313, F.S.; revising provisions  
808 for licensure, registration, and operation of family  
809 day care homes; amending s. 402.3131, F.S.; revising  
810 requirements for large family child care homes;  
811 amending s. 402.316, F.S., relating to exemptions from  
812 child care facility licensing standards; requiring a  
813 child care facility operating as a provider of certain  
814 voluntary prekindergarten education programs or child  
815 care programs to comply with minimum standards;  
816 providing penalties for failure to disclose or for use  
817 of certain information; requiring the department to  
818 establish a fee for inspection and compliance  
819 activities; amending s. 627.70161, F.S.; revising  
820 restrictions on residential property insurance  
821 coverage to include coverage for large family child  
822 care homes; amending s. 1001.213, F.S.; providing  
823 additional duties of the Office of Early Learning;