

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Children, Families &
 2 Seniors Subcommittee
 3 Representative Berman offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (1) through (7) and (9) through
 8 (18) of section 402.302, Florida Statutes, are renumbered as
 9 subsections (2) through (8) and (10) through (19), respectively,
 10 present subsection (8) is renumbered and amended, and a new
 11 subsection (1) is added to that section, to read:

12 402.302 Definitions.—As used in this chapter, the term:

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

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17 (98) "Family day care home" means an occupied residence in
18 which care, protection, and supervision of a child, for a period
19 of less than 24 hours a day on a regular basis, which
20 supplements parental care, enrichment, and health supervision
21 for the child, in accordance with his or her individual needs
22 ~~child care~~ is regularly provided for children from at least two
23 unrelated families and either ~~which~~ receives a payment, fee, or
24 grant for any of the children receiving care, whether or not
25 operated for profit, or advertises the availability of its
26 services, whether or not it receives a payment, fee, or grant
27 for any of the children receiving care, and whether or not
28 operated for profit. Household children under 13 years of age,
29 when on the premises of the family day care home or on a field
30 trip with children enrolled in child care, shall be included in
31 the overall capacity of the licensed home. A family day care
32 home shall be allowed to provide care for one of the following
33 groups of children, which shall include household children under
34 13 years of age:

35 (a) A maximum of four children from birth to 12 months of
36 age.

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

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

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

44
45 Section 2. Section (1) of section 402.313, Florida
46 Statutes, is amended to read:

47 402.313 Family day care homes.—

48 (1) A Family day care home must ~~homes shall~~ be licensed
49 under this section ~~act~~ if it is ~~they are~~ presently being
50 licensed under an existing county licensing ordinance or if the
51 board of county commissioners passes a resolution that family
52 day care homes be licensed. Each licensed or registered family
53 day care home must conspicuously display its license or
54 registration in the common area of the home.

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

- 58 1. The name and address of the home.
- 59 2. The name of the operator.
- 60 3. The number of children served.
- 61 4. Proof of a written plan to identify a ~~provide at least~~
62 ~~one other~~ competent adult who has met the screening and training
63 requirements of the department to serve as a designated
64 substitute ~~to be available to substitute~~ for the operator in an
65 emergency. This plan must ~~shall~~ include the name, address, and
66 telephone number of the designated substitute.

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

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

72 a. State and local rules and regulations that govern child
73 care.

74 b. Health, safety, and nutrition.

75 c. Identifying and reporting child abuse and neglect.

76 d. Child development, including typical and atypical
77 language development; and cognitive, motor, social, and self-
78 help skills development.

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

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

86 7. Proof that immunization records are kept current.

87 8. Proof of completion of the required continuing
88 education units or clock hours.

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

91 (c) The department may provide technical assistance to
92 counties and family day care home providers to enable counties

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93 and family day care providers to achieve compliance with family
94 day care homes standards.

95 Section 3. Section (1) of section 402.3131, Florida
96 Statutes, is amended to read:

97 402.3131 Large family child care homes.—

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

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

107 (b) The department may provide technical assistance to
108 counties and family day care home providers to enable the
109 counties and providers to achieve compliance with minimum
110 standards for large family child care homes.

111 Section 4. Section 402.318, Florida Statutes, is amended to
112 read:

113 402.318 Advertisement.—A person, as defined in s. 1.01 ~~s.~~
114 ~~1.01(3)~~, may not advertise a child care facility as defined in
115 s. 402.302, a child care facility that is exempt from licensing
116 requirements pursuant to s. 402.316, a family day care home as
117 defined in s. 402.302, or a large family child care home as
118 defined in s. 402.302, without including within such

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119 advertisement the state or local agency license number,
120 exemption number, or registration number of the ~~such~~ facility or
121 home. A person who violates ~~Violation of~~ this section commits ~~is~~
122 a misdemeanor of the first degree, punishable as provided in s.
123 775.082 or s. 775.083.

124 Section 5. This act shall take effect July 1, 2015.

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127 **T I T L E A M E N D M E N T**

128 Remove everything before the enacting clause and insert:

129 A bill to be entitled

130 An act relating to the licensing of facilities that offer
131 health and human services; amending s. 402.302, F.S.;
132 defining the term "advertisement"; redefining the term
133 "family day care home" to include homes that advertise the
134 availability of services whether or not it receives a
135 payment, fee, or grant for any of the children and whether
136 or not operated for profit; amending s. 402.313, F.S.;
137 requiring a family day care home to conspicuously display
138 its license or registration in the common area of the home,
139 to provide proof of a written plan that identifies a
140 designated substitute for the operator, and to provide
141 proof of screening and background checks for certain
142 individuals; amending s. 402.3131, F.S.; requiring a large
143 family child care home to permanently post its license in a
144 conspicuous location that is visible by all parents and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 119 (2015)

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145 guardians and the Department of Children and Families;
146 amending s. 402.318, F.S.; prohibiting the advertising of a
147 child care facility, family day care home, or large family
148 child care home unless it is licensed or registered;
149 providing an effective date.