

By Senator Gibson

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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; amending s. 402.313, F.S.; requiring
11 a family day care home to conspicuously display its
12 license or registration in the common area of the
13 home, to provide proof of a written plan that
14 identifies a designated substitute for the operator,
15 and to provide proof of screening and background
16 checks for certain individuals; amending s. 402.3131,
17 F.S.; requiring a large family child care home to
18 permanently post its license in a conspicuous location
19 that is visible by all parents and guardians and the
20 Department of Children and Families; amending s.
21 402.315, F.S.; revising the licensing fee for a child
22 care facility that has a certain licensed capacity;
23 amending s. 402.318, F.S.; prohibiting advertisement
24 of a child care facility, family day care home, or
25 large family child care home unless it is licensed or
26 registered or provides proof of exemption; defining
27 the term "advertisement"; providing penalties;
28 providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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

34 402.302 Definitions.—As used in this chapter, the term:

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

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

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

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

50 (c) Summer day camps;

51 (d) Bible schools normally conducted during vacation
52 periods; and

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

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 websites; 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, 2015.