

By the Committee on Children, Families, and Elder Affairs; and
Senator Gibson

586-01952-15

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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.; defining the term "advertise"; redefining the
5 term "family day care home" to include homes that
6 advertise the availability of services whether or not
7 they receive a payment, fee, or grant for any of the
8 children receiving care and whether or not they are
9 operated for profit; amending s. 402.313, F.S.;
10 requiring a family day care home to conspicuously
11 display its license or registration in the common area
12 of the home, to provide proof of a written plan that
13 identifies a designated substitute for the operator,
14 and to provide proof of screening and background
15 checks for certain individuals; amending s. 402.3131,
16 F.S.; requiring a large family child care home to
17 permanently post its license in a conspicuous location
18 that is visible by all parents and guardians and the
19 Department of Children and Families; amending s.
20 402.318, F.S.; prohibiting certain persons from
21 advertising a child care facility, a family day care
22 home, or a large family child care home without
23 including the facility's or home's license number,
24 registration number, or exemption number in such
25 advertisement; providing penalties; amending ss.
26 402.317 and 1002.88, F.S.; conforming cross-
27 references; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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31 Section 1. Present subsections (1) through (7) and (9)
32 through (18) of section 402.302, Florida Statutes, are
33 redesignated as subsections (2) through (8) and (10) through
34 (19), respectively, present subsection (8) is amended, and a new
35 subsection (1) is added to that section, to read:

36 402.302 Definitions.—As used in this chapter, the term:

37 (1) "Advertise" means to market child care services through
38 any means, including, but not limited to, online message boards,
39 motor vehicle signs, newspaper advertisements, roadside signs,
40 flyers and posters, and radio and television announcements.

41 (9)~~(8)~~ "Family day care home" means an occupied residence
42 in which care, protection, and supervision of a child, for a
43 period of less than 24 hours a day on a regular basis, which
44 supplements parental care, enrichment, and health supervision
45 for the child, in accordance with his or her individual needs,
46 child care is regularly provided for children from at least two
47 unrelated families and which either receives a payment, fee, or
48 grant for any of the children receiving care, whether or not
49 operated for profit, or advertises the availability of its
50 services, whether or not it receives a payment, fee, or grant
51 for any of the children receiving care, and whether or not
52 operated for profit. Household children under 13 years of age,
53 when on the premises of the family day care home or on a field
54 trip with children enrolled in child care, shall be included in
55 the overall capacity of the licensed home. A family day care
56 home shall be allowed to provide care for one of the following
57 groups of children, which shall include household children under
58 13 years of age:

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59 (a) A maximum of four children from birth to 12 months of
60 age.

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

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

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

68 Section 2. Subsection (1) of section 402.313, Florida
69 Statutes, is amended to read:

70 402.313 Family day care homes.—

71 (1) A family day care home must ~~homes shall~~ be licensed
72 under this section ~~act~~ if it is ~~they are~~ presently being
73 licensed under an existing county licensing ordinance or if the
74 board of county commissioners passes a resolution that family
75 day care homes be licensed. Each licensed or registered family
76 day care home must conspicuously display its license or
77 registration in the common area of the home.

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

- 81 1. The name and address of the home.
- 82 2. The name of the operator.
- 83 3. The number of children served.
- 84 4. Proof of a written plan to identify a ~~provide at least~~
85 ~~one other~~ competent adult who has met the screening and training
86 requirements of the department to serve as a designated
87 substitute to be available to substitute for the operator in an

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88 emergency. This plan must ~~shall~~ include the name, address, and
89 telephone number of the designated substitute.

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

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

95 a. State and local rules and regulations that govern child
96 care.

97 b. Health, safety, and nutrition.

98 c. Identifying and reporting child abuse and neglect.

99 d. Child development, including typical and atypical
100 language development; and cognitive, motor, social, and self-
101 help skills development.

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

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

109 7. Proof that immunization records are kept current.

110 8. Proof of completion of the required continuing education
111 units or clock hours.

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

114 (c) The department may provide technical assistance to
115 counties and family day care home providers to enable counties
116 and family day care providers to achieve compliance with family

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117 day care homes standards.

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

120 402.3131 Large family child care homes.—

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

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

130 (b) The department may provide technical assistance to
131 counties and family day care home providers to enable the
132 counties and providers to achieve compliance with minimum
133 standards for large family child care homes.

134 Section 4. Section 402.318, Florida Statutes, is amended to
135 read:

136 402.318 Advertisement.—A person, as defined in s. 1.01 ~~s.~~
137 ~~1.01(3)~~, may not advertise a child care facility as defined in
138 s. 402.302, a child care facility that is exempt from licensing
139 requirements pursuant to s. 402.316, a family day care home as
140 defined in s. 402.302, or a large family child care home as
141 defined in s. 402.302 without including within such
142 advertisement the state or local agency license number,
143 exemption number, or registration number of the ~~such~~ facility or
144 home. A person who violates ~~Violation of~~ this section commits ~~is~~
145 a misdemeanor of the first degree, punishable as provided in s.

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146 775.082 or s. 775.083.

147 Section 5. Section 402.317, Florida Statutes, is amended to
148 read:

149 402.317 Prolonged child care.—Notwithstanding the time
150 restriction specified in s. 402.302(2) ~~402.302(1)~~, child care
151 may be provided for 24 hours or longer for a child whose parent
152 or legal guardian works a shift of 24 hours or more. The
153 requirement that a parent or legal guardian work a shift of 24
154 hours or more must be certified in writing by the employer, and
155 the written certification shall be maintained in the facility by
156 the child care provider and made available to the licensing
157 agency. The time that a child remains in child care, however,
158 may not exceed 72 consecutive hours in any 7-day period. During
159 a declared state of emergency, the child care licensing agency
160 may temporarily waive the time limitations provided in this
161 section.

162 Section 6. Paragraph (d) of subsection (1) of section
163 1002.88, Florida Statutes, is amended to read:

164 1002.88 School readiness program provider standards;
165 eligibility to deliver the school readiness program.—

166 (1) To be eligible to deliver the school readiness program,
167 a school readiness program provider must:

168 (d) Provide an appropriate staff-to-children ratio,
169 pursuant to s. 402.305(4) or s. 402.302(9) ~~s. 402.302(8)~~ or s.
170 402.302(12) ~~(11)~~, as applicable, and as verified pursuant to s.
171 402.311.

172 Section 7. This act shall take effect July 1, 2015.