

1 A bill to be entitled
 2 An act relating to child care facilities; amending s.
 3 402.305, F.S.; revising minimum licensing standards
 4 relating to transportation safety for child care
 5 facilities and child care homes; amending s. 402.310,
 6 F.S.; requiring the Department of Children and
 7 Families to suspend the license of a child care
 8 facility or child care home when a child dies under
 9 certain conditions; providing an effective date.

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 11 Be It Enacted by the Legislature of the State of Florida:

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 13 Section 1. Subsection (10) of section 402.305, Florida
 14 Statutes, is amended to read:

15 402.305 Licensing standards; child care facilities.—

16 (10) TRANSPORTATION SAFETY.—

17 (a) Minimum standards shall include all of the following:

18 1. Requirements for child restraints or seat belts in
 19 vehicles used by child care facilities, ~~and~~ large family child
 20 care homes, and family day care homes to transport children.

21 2.7 Requirements for annual inspections of such ~~the~~
 22 vehicles.

23 3.7 Limitations on the number of children that may be
 24 transported in such ~~the~~ vehicles.

25 4.7 Procedures to ensure that ~~avoid leaving~~ children are

26 | not inadvertently left in vehicles before or after being ~~when~~
 27 | transported by a child care ~~the~~ facility, large family child
 28 | care home, or family day care home and that systems are in place
 29 | to ensure accountability for children transported by such
 30 | facilities and homes ~~the child care facility~~. These systems may
 31 | include, but are not limited to, a system of transportation logs
 32 | and physical and visual sweeps. A child care facility, large
 33 | family child care home, or family day care home may additionally
 34 | choose to equip vehicles with a reliable alarm system that
 35 | prompts the driver to inspect the vehicle for children before
 36 | exiting the vehicle.

37 | **(b)** A child care facility, large family child care home,
 38 | or family day care home is not responsible for the safe
 39 | transport of children when they are being transported by a
 40 | parent or guardian.

41 | Section 2. Subsection (1) of section 402.310, Florida
 42 | Statutes, is amended to read:

43 | 402.310 Disciplinary actions; hearings upon denial,
 44 | suspension, or revocation of license or registration;
 45 | administrative fines.—

46 | (1) (a) The department or local licensing agency may
 47 | administer any of the following disciplinary sanctions for a
 48 | violation of any provision of ss. 402.301-402.319, or the rules
 49 | adopted thereunder:

50 | 1. Impose an administrative fine not to exceed \$100 per

51 violation, per day. However, if the violation could or does
 52 cause death or serious harm, the department or local licensing
 53 agency may impose an administrative fine, not to exceed \$500 per
 54 violation per day in addition to ~~or in lieu of~~ any other
 55 disciplinary action imposed under this section.

56 2. Convert a license or registration to probation status
 57 and require the licensee or registrant to comply with the terms
 58 of probation. A probation-status license or registration may not
 59 be issued for a period that exceeds 6 months and the probation-
 60 status license or registration may not be renewed. A probation-
 61 status license or registration may be suspended or revoked if
 62 periodic inspection by the department or local licensing agency
 63 finds that the probation-status licensee or registrant is not in
 64 compliance with the terms of probation or that the probation-
 65 status licensee or registrant is not making sufficient progress
 66 toward compliance with ss. 402.301-402.319.

67 3. Deny, suspend, or revoke a license or registration.

68 (b) If a child in the care of a child care facility, large
 69 family child care home, or family day care home dies when left
 70 in a vehicle owned, used, or operated by the facility or home,
 71 the department shall issue an emergency suspension of the
 72 license of the facility or home pursuant to s. 120.60.

73 (c) ~~(b)~~ In determining the appropriate disciplinary action
 74 to be taken for a violation as provided in paragraph (a), the
 75 following factors shall be considered:

76 1. The severity of the violation, including the
 77 probability that death or serious harm to the health or safety
 78 of any person will result or has resulted, the severity of the
 79 actual or potential harm, and the extent to which the provisions
 80 of ss. 402.301-402.319 have been violated.

81 2. Actions taken by the licensee or registrant to correct
 82 the violation or to remedy complaints.

83 3. Any previous violations of the licensee or registrant.

84 (d)~~(e)~~ The department shall adopt rules to:

85 1. Establish the grounds under which the department may
 86 deny, suspend, or revoke a license or registration or place a
 87 licensee or registrant on probation status for violations of ss.
 88 402.301-402.319.

89 2. Establish a uniform system of procedures to impose
 90 disciplinary sanctions for violations of ss. 402.301-402.319.
 91 The uniform system of procedures must provide for the consistent
 92 application of disciplinary actions across districts and a
 93 progressively increasing level of penalties from predisciplinary
 94 actions, such as efforts to assist licensees or registrants to
 95 correct the statutory or regulatory violations, and to severe
 96 disciplinary sanctions for actions that jeopardize the health
 97 and safety of children, such as for the deliberate misuse of
 98 medications. The department shall implement this subparagraph on
 99 January 1, 2007, and the implementation is not contingent upon a
 100 specific appropriation.

101 (e)~~(d)~~ The disciplinary sanctions set forth in this
102 section apply to licensed child care facilities, licensed large
103 family child care homes, and licensed or registered family day
104 care homes.

105 Section 3. This act shall take effect July 1, 2019.