

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, large family child care homes, and family
 6 day care homes; amending s. 402.310, F.S.; requiring
 7 the Department of Children and Families to suspend the
 8 license of such facility or home when a child dies
 9 under 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
 29 | place to ensure accountability for children transported by such
 30 | facilities and homes ~~the child care facility.~~ These systems may
 31 | include a system of transportation logs and physical and visual
 32 | sweeps. A child care facility, large family child care home, or
 33 | family day care home may additionally choose to equip vehicles
 34 | with a reliable alarm system that prompts the driver to inspect
 35 | the vehicle for children before exiting the vehicle.

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

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

42 | 402.310 Disciplinary actions; hearings upon denial,
 43 | suspension, or revocation of license or registration;
 44 | administrative fines.—

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

49 | 1. Impose an administrative fine not to exceed \$100 per
 50 | violation, per day. However, if the violation could or does

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

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

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

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

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

75 1. The severity of the violation, including the

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

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

82 | 3. Any previous violations of the licensee or registrant.

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

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

88 | 2. Establish a uniform system of procedures to impose
 89 | disciplinary sanctions for violations of ss. 402.301-402.319.
 90 | The uniform system of procedures must provide for the consistent
 91 | application of disciplinary actions across districts and a
 92 | progressively increasing level of penalties from predisciplinary
 93 | actions, such as efforts to assist licensees or registrants to
 94 | correct the statutory or regulatory violations, and to severe
 95 | disciplinary sanctions for actions that jeopardize the health
 96 | and safety of children, such as for the deliberate misuse of
 97 | medications.

98 | (e)~~(d)~~ The disciplinary sanctions set forth in this
 99 | section apply to licensed child care facilities, licensed large
 100 | family child care homes, and licensed or registered family day

HB 679

2020

101 | care homes.

102 | Section 3. This act shall take effect July 1, 2020.