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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2015	.	
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The Committee on Children, Families, and Elder Affairs (Sobel) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

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



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

15           (9) ~~(8)~~ "Family day care home" means an occupied residence  
16 in which care, protection, and supervision of a child, for a  
17 period of less than 24 hours a day on a regular basis, which  
18 supplements parental care, enrichment, and health supervision  
19 for the child, in accordance with his or her individual needs,  
20 child care is regularly provided for children from at least two  
21 unrelated families and which either receives a payment, fee, or  
22 grant for any of the children receiving care, whether or not  
23 operated for profit, or advertises the availability of its  
24 services, whether or not it receives a payment, fee, or grant  
25 for any of the children receiving care, and whether or not  
26 operated for profit. Household children under 13 years of age,  
27 when on the premises of the family day care home or on a field  
28 trip with children enrolled in child care, shall be included in  
29 the overall capacity of the licensed home. A family day care  
30 home shall be allowed to provide care for one of the following  
31 groups of children, which shall include household children under  
32 13 years of age:

33           (a) A maximum of four children from birth to 12 months of  
34 age.

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

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

39           (d) A maximum of 10 children if no more than 5 are



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40 preschool age and, of those 5, no more than 2 are under 12  
41 months of age.

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

44 402.313 Family day care homes.—

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

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

- 55 1. The name and address of the home.
- 56 2. The name of the operator.
- 57 3. The number of children served.
- 58 4. Proof of a written plan to identify a ~~provide at least~~  
59 ~~one other~~ competent adult who has met the screening and training  
60 requirements of the department to serve as a designated  
61 substitute to be available to substitute for the operator in an  
62 emergency. This plan must ~~shall~~ include the name, address, and  
63 telephone number of the designated substitute.
- 64 5. Proof of screening and background checks for the  
65 operator, each household member, and the designated substitute.
- 66 6. Proof of successful completion of the 30-hour training  
67 course, as evidenced by passage of a competency examination,  
68 which must ~~shall~~ include:



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- 69           a. State and local rules and regulations that govern child  
70 care.
- 71           b. Health, safety, and nutrition.
- 72           c. Identifying and reporting child abuse and neglect.
- 73           d. Child development, including typical and atypical  
74 language development; and cognitive, motor, social, and self-  
75 help skills development.
- 76           e. Observation of developmental behaviors, including using  
77 a checklist or other similar observation tools and techniques to  
78 determine a child's developmental level.
- 79           f. Specialized areas, including early literacy and language  
80 development of children from birth to 5 years of age, as  
81 determined by the department, for owner-operators of family day  
82 care homes.
- 83           7. Proof that immunization records are kept current.
- 84           8. Proof of completion of the required continuing education  
85 units or clock hours.
- 86           (b) A family day care home may volunteer to be licensed  
87 ~~under this act.~~
- 88           (c) The department may provide technical assistance to  
89 counties and family day care home providers to enable counties  
90 and family day care providers to achieve compliance with family  
91 day care homes standards.
- 92           Section 3. Subsection (1) of section 402.3131, Florida  
93 Statutes, is amended to read:
- 94           402.3131 Large family child care homes.—
- 95           (1) A large family child care home must ~~homes shall~~ be  
96 licensed under this section and permanently post its license in  
97 a conspicuous location that is visible by all parents and



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98 guardians and the department.

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

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

108 Section 4. Section 402.318, Florida Statutes, is amended to  
109 read:

110 402.318 Advertisement.—A person, as defined in s. 1.01 ~~s.~~  
111 ~~1.01(3)~~, may not advertise a child care facility as defined in  
112 s. 402.302, a child care facility that is exempt from licensing  
113 requirements pursuant to s. 402.316, a family day care home as  
114 defined in s. 402.302, or a large family child care home as  
115 defined in s. 402.302 without including within such  
116 advertisement the state or local agency license number,  
117 exemption number, or registration number of the ~~such~~ facility or  
118 home. A person who violates ~~Violation of~~ this section commits ~~is~~  
119 a misdemeanor of the first degree, punishable as provided in s.  
120 775.082 or s. 775.083.

121 Section 5. Section 402.317, Florida Statutes, is amended to  
122 read:

123 402.317 Prolonged child care.—Notwithstanding the time  
124 restriction specified in s. 402.302(2) ~~402.302(1)~~, child care  
125 may be provided for 24 hours or longer for a child whose parent  
126 or legal guardian works a shift of 24 hours or more. The



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127 requirement that a parent or legal guardian work a shift of 24  
128 hours or more must be certified in writing by the employer, and  
129 the written certification shall be maintained in the facility by  
130 the child care provider and made available to the licensing  
131 agency. The time that a child remains in child care, however,  
132 may not exceed 72 consecutive hours in any 7-day period. During  
133 a declared state of emergency, the child care licensing agency  
134 may temporarily waive the time limitations provided in this  
135 section.

136 Section 6. Paragraph (d) of subsection (1) of section  
137 1002.88, Florida Statutes, is amended to read:

138 1002.88 School readiness program provider standards;  
139 eligibility to deliver the school readiness program.-

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

142 (d) Provide an appropriate staff-to-children ratio,  
143 pursuant to s. 402.305(4) or s. 402.302(9) ~~s. 402.302(8)~~ or s.  
144 402.302(12) ~~(11)~~, as applicable, and as verified pursuant to s.  
145 402.311.

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

147  
148 ===== T I T L E A M E N D M E N T =====

149 And the title is amended as follows:

150 Delete everything before the enacting clause  
151 and insert:

152 A bill to be entitled

153 An act relating to the licensing of facilities that  
154 offer health and human services; amending s. 402.302,  
155 F.S.; defining the term "advertise"; redefining the



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156 term "family day care home" to include homes that  
157 advertise the availability of services whether or not  
158 they receive a payment, fee, or grant for any of the  
159 children receiving care and whether or not they are  
160 operated for profit; amending s. 402.313, F.S.;  
161 requiring a family day care home to conspicuously  
162 display its license or registration in the common area  
163 of the home, to provide proof of a written plan that  
164 identifies a designated substitute for the operator,  
165 and to provide proof of screening and background  
166 checks for certain individuals; amending s. 402.3131,  
167 F.S.; requiring a large family child care home to  
168 permanently post its license in a conspicuous location  
169 that is visible by all parents and guardians and the  
170 Department of Children and Families; amending s.  
171 402.318, F.S.; prohibiting certain persons from  
172 advertising a child care facility, a family day care  
173 home, or a large family child care home without  
174 including the facility's or home's license number,  
175 registration number, or exemption number in such  
176 advertisement; providing penalties; amending ss.  
177 402.317 and 1002.88, F.S.; conforming cross-  
178 references; providing an effective date.