

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, family day care  
22          home, or large family child care home without  
23          including the facility's or home's license,  
24          registration, 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.

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

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31 |           Section 1. Subsections (1) through (7) and (9) through  
 32 | (18) of section 402.302, Florida Statutes, are renumbered as  
 33 | subsections (2) through (8) and (10) through (19), respectively,  
 34 | present subsection (8) is amended, and a new subsection (1) is  
 35 | 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  
 38 | through any means, including, but not limited to, online message  
 39 | boards, motor vehicle signs, newspaper advertisements, roadside  
 40 | signs, flyers and posters, and radio and television  
 41 | announcements.

42 |           (9)~~(8)~~ "Family day care home" means an occupied residence  
 43 | in which care, protection, and supervision of a child, for a  
 44 | period of less than 24 hours a day on a regular basis, which  
 45 | supplements parental care, enrichment, and health supervision  
 46 | for the child, in accordance with his or her individual needs,  
 47 | child care is regularly provided for children from at least two  
 48 | unrelated families and which either receives a payment, fee, or  
 49 | grant for any of the children receiving care, whether or not  
 50 | operated for profit, or advertises the availability of its  
 51 | services, whether or not it receives a payment, fee, or grant  
 52 | for any of the children receiving care, and whether or not

53 operated for profit. Household children under 13 years of age,  
 54 when on the premises of the family day care home or on a field  
 55 trip with children enrolled in child care, shall be included in  
 56 the overall capacity of the licensed home. A family day care  
 57 home shall be allowed to provide care for one of the following  
 58 groups of children, which shall include household children under  
 59 13 years of age:

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

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

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

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

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

71 402.313 Family day care homes.—

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

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

- 82 1. The name and address of the home.
- 83 2. The name of the operator.
- 84 3. The number of children served.
- 85 4. Proof of a written plan to identify a ~~provide at least~~  
 86 ~~one other~~ competent adult who has met the screening and training  
 87 requirements of the department to serve as a designated  
 88 substitute to be available to substitute for the operator in an  
 89 emergency. This plan must ~~shall~~ include the name, address, and  
 90 telephone number of the designated substitute.
- 91 5. Proof of screening and background checks for the  
 92 operator, each household member, and the designated substitute.
- 93 6. Proof of successful completion of the 30-hour training  
 94 course, as evidenced by passage of a competency examination,  
 95 which must ~~shall~~ include:
  - 96 a. State and local rules and regulations that govern child  
 97 care.
  - 98 b. Health, safety, and nutrition.
  - 99 c. Identifying and reporting child abuse and neglect.
  - 100 d. Child development, including typical and atypical  
 101 language development; and cognitive, motor, social, and self-  
 102 help skills development.
  - 103 e. Observation of developmental behaviors, including using  
 104 a checklist or other similar observation tools and techniques to

105 determine a child's developmental level.

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

110 7. Proof that immunization records are kept current.

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

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

115 (c) The department may provide technical assistance to  
 116 counties and family day care home providers to enable counties  
 117 and family day care providers to achieve compliance with family  
 118 day care homes standards.

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

121 402.3131 Large family child care homes.—

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

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

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

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

137 402.318 Advertisement.—A person, as defined in s. 1.01 ~~s.~~  
 138 ~~1.01(3)~~, may not advertise a child care facility as defined in  
 139 s. 402.302, a child care facility that is exempt from licensing  
 140 requirements pursuant to s. 402.316, a family day care home as  
 141 defined in s. 402.302, or a large family child care home as  
 142 defined in s. 402.302 without including within such  
 143 advertisement the state or local agency license number,  
 144 exemption number, or registration number of the ~~such~~ facility or  
 145 home. A person who violates ~~Violation of~~ this section commits ~~is~~  
 146 a misdemeanor of the first degree, punishable as provided in s.  
 147 775.082 or s. 775.083.

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

150 402.317 Prolonged child care.—Notwithstanding the time  
 151 restriction specified in s. 402.302(2) ~~402.302(1)~~, child care  
 152 may be provided for 24 hours or longer for a child whose parent  
 153 or legal guardian works a shift of 24 hours or more. The  
 154 requirement that a parent or legal guardian work a shift of 24  
 155 hours or more must be certified in writing by the employer, and  
 156 the written certification shall be maintained in the facility by

157 the child care provider and made available to the licensing  
158 agency. The time that a child remains in child care, however,  
159 may not exceed 72 consecutive hours in any 7-day period. During  
160 a declared state of emergency, the child care licensing agency  
161 may temporarily waive the time limitations provided in this  
162 section.

163 Section 6. Paragraph (d) of subsection (1) of section  
164 1002.88, Florida Statutes, is amended to read:

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

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

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

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