

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Children, Families &  
2 Seniors Subcommittee

3 Representative Antone offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 402.305 Licensing standards; child care facilities.-

10 (10) TRANSPORTATION SAFETY.-

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

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

15 2. Requirements for annual inspections of ~~such~~ ~~the~~  
16 vehicles.

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17        3. Limitations on the number of children that may be  
18 transported in such ~~the~~ vehicles.

19        4. Procedures to ensure that ~~avoid leaving~~ children are not  
20 inadvertently left in vehicles before or after being ~~when~~  
21 transported by the facility, and that systems are in place to  
22 ensure accountability for children transported by such  
23 facilities and homes ~~the child care facility~~. These systems may  
24 include, but need not be limited to, a system of transportation  
25 logs and physical and visual sweeps. Facilities and homes may  
26 additionally choose to equip vehicles with a reliable alarm  
27 system that prompts the driver to inspect the vehicle for  
28 children before exiting the vehicle.

29        (b) A child care facility, large family child care home,  
30 or family day care home is not responsible for the safe  
31 transport of children when they are being transported by a  
32 parent or guardian.

33        Section 2. Subsection (1) of section 402.310, Florida  
34 Statutes, is amended to read:

35        402.310 Disciplinary actions; hearings upon denial,  
36 suspension, or revocation of license or registration;  
37 administrative fines.—

38        (1) (a) The department or local licensing agency may  
39 administer any of the following disciplinary sanctions for a  
40 violation of any provision of ss. 402.301-402.319, or the rules  
41 adopted thereunder:

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42 1. Impose an administrative fine not to exceed \$100 per  
43 violation, per day. However, if the violation could or does  
44 cause death or serious harm, the department or local licensing  
45 agency may impose an administrative fine, not to exceed \$500 per  
46 violation per day in addition to ~~or in lieu of~~ any other  
47 disciplinary action imposed under this section.

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

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

60 (b) If a child in the care of a child care facility, large  
61 family child care home, or family day care home dies when left  
62 in a vehicle owned, used, or operated by that facility or home,  
63 the department shall issue an emergency suspension of the  
64 license of that facility or home pursuant to s. 120.60.

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65        ~~(c)-(b)~~ In determining the appropriate disciplinary action  
66 to be taken for a violation as provided in paragraph (a), the  
67 following factors shall be considered:

68            1. The severity of the violation, including the  
69 probability that death or serious harm to the health or safety  
70 of any person will result or has resulted, the severity of the  
71 actual or potential harm, and the extent to which the provisions  
72 of ss. 402.301-402.319 have been violated.

73            2. Actions taken by the licensee or registrant to correct  
74 the violation or to remedy complaints.

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

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

77            1. Establish the grounds under which the department may  
78 deny, suspend, or revoke a license or registration or place a  
79 licensee or registrant on probation status for violations of ss.  
80 402.301-402.319.

81            2. Establish a uniform system of procedures to impose  
82 disciplinary sanctions for violations of ss. 402.301-402.319.  
83 The uniform system of procedures must provide for the consistent  
84 application of disciplinary actions across districts and a  
85 progressively increasing level of penalties from predisciplinary  
86 actions, such as efforts to assist licensees or registrants to  
87 correct the statutory or regulatory violations, and to severe  
88 disciplinary sanctions for actions that jeopardize the health  
89 and safety of children, such as for the deliberate misuse of

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90 medications. The department shall implement this subparagraph on  
91 January 1, 2007, and the implementation is not contingent upon a  
92 specific appropriation.

93 ~~(e)-(d)~~ The disciplinary sanctions set forth in this  
94 section apply to licensed child care facilities, licensed large  
95 family child care homes, and licensed or registered family day  
96 care homes.

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

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**T I T L E A M E N D M E N T**

100 Remove everything before the enacting clause and insert:  
101 An act relating to child care facilities; amending s. 402.305,  
102 F.S.; revising the minimum transportation licensing standards;  
103 amending s. 402.310, F.S.; requiring that the Department of  
104 Children and Families suspend a license after a child's death  
105 under certain conditions; providing an effective date.  
106