

Council Substitute for House Bill No. 781

An act relating to the licensing and regulating of children's centers and family day care homes in Pinellas County; amending chapter 61-2681, Laws of Florida, as amended; redefining the terms "children's center" and "family day care home"; authorizing the provision of child care for a period longer than otherwise authorized for a child whose parent or legal guardian works a shift of 24 hours or more; providing an effective date.

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

Section 1. Subsections (1), (5), and (6) of section 2 of chapter 61-2681, Laws of Florida, as amended by section 1 of chapter 70-893, Laws of Florida, are amended to read:

Section 2. Definitions.—

(1) A children's center includes any day nursery, nursery school, kindergarten, or other facility whatsoever which, with or without compensation, cares for five (5) or more children seventeen (17) years of age or under, not related to the operator by blood, marriage, or adoption, away from the child's own home ~~for from two (2) to twelve (12) hours per day per child~~. This term shall not be construed to include any center under the jurisdiction of the state board of education or to include any nonpublic academic school except in regard to children below first grade level.

(5)(a) A family day care home means a facility for child care in a place of residence of a family, person, or persons who receive no more than four (4) children under seventeen (17) years of age away from their own homes who are not related to such person or persons by blood, marriage, or adoption, for the purpose of providing family care and training for such children ~~for from two (2) to twelve (12) hours per day~~. No more than three (3) of the four (4) children may be under two (2) years of age. This term shall not be construed to include children above first grade level except in homes where children below first grade level are also received for care.

(b) Child care may be provided for 24 hours or longer for a child whose parent or legal guardian works a shift of 24 hours or more. The requirement that a parent or legal guardian work a shift of 24 hours or more must be certified in writing by the employer, and the written certification must be maintained in the facility by the child care provider and made available to the license board and the state child care licensing agency. The time that a child remains in child care, however, may not exceed 72 consecutive hours in any 7-day period. During a declared state of emergency, the license board or the state child care licensing agency may temporarily waive the time limitations provided in this paragraph. Under special circumstances, family day care homes may be licensed to care for children twenty four (24) hours a day. To fall under the administration of the license board, these family day care homes may not receive children from any licensed child-placing agencies. These family day care homes shall meet the same minimum standards

~~established by the state welfare board for the care of children under seven-
teen (17) years of age being cared for away from their own parents or
guardians, except where the requirements are in conflict with this law or
changed as provided herein.~~

(6) Children's centers licensed hereunder shall not ~~provide~~ provided reg-
ular overnight care for children. Overnight care on New Year's Eve and
other similar occasions to be specified by the license board for a number not
in excess of the total enrollment authorized on its license is permissive,
subject to the determination by the license board that such overnight care
is reasonable under the circumstances.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.