



Health Care Services Policy Committee

**Tuesday, February 2, 2010
9:00 AM - 12:00 PM
306 HOB**

Action Packet

**Larry Cretul
Speaker**

**Paige Kreegel
Chair**

COMMITTEE MEETING REPORT
Health Care Services Policy Committee
2/2/2010 9:00:00AM

Location: 306 HOB

Summary:

Health Care Services Policy Committee

Tuesday February 02, 2010 09:00 am

HB 411	Favorable With Committee Substitute	Yeas: 13	Nays: 0
HB 479	Favorable With Committee Substitute	Yeas: 13	Nays: 0
HB 487	Favorable With Committee Substitute	Yeas: 13	Nays: 0

Committee meeting was reported out: Tuesday, February 02, 2010 11:55:05AM

COMMITTEE MEETING REPORT
Health Care Services Policy Committee

2/2/2010 9:00:00AM

Location: 306 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Paige Kreegel (Chair)	X		
Gary Aubuchon	X		
Debbie Boyd	X		
Chris Dorworth	X		
Kurt Kelly	X		
Scott Plakon	X		
Scott Randolph	X		
Betty Reed	X		
Hazelle Rogers	X		
Dwayne Taylor	X		
John Tobia	X		
Trudi Williams	X		
John Wood	X		
Juan Zapata			X
Totals:	13	0	1

Committee meeting was reported out: Tuesday, February 02, 2010 11:55:05AM

COMMITTEE MEETING REPORT
Health Care Services Policy Committee

2/2/2010 9:00:00AM

Location: 306 HOB

HB 411 : Child Care Facilities

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Debbie Boyd	X				
Chris Dorworth	X				
Kurt Kelly	X				
Scott Plakon	X				
Scott Randolph	X				
Betty Reed	X				
Hazelle Rogers	X				
Dwayne Taylor	X				
John Tobia	X				
Trudi Williams	X				
John Wood	X				
Juan Zapata				X	
Paige Kreegel (Chair)	X				
Total Yeas: 13		Total Nays: 0			

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COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 411 (2010)

Amendment No. 1

20 | wherever operated, and whether or not operated for profit. The
21 | following are not included:

22 | (a) Public schools and nonpublic schools and their
23 | integral programs, except as provided in s. 402.3025;

24 | (b) Summer camps having children in full-time residence;

25 | (c) Summer day camps;

26 | (d) Bible schools normally conducted during vacation
27 | periods; and

28 | (e) Operators of transient establishments, as defined in
29 | chapter 509, which provide child care services solely for the
30 | guests of their establishment or resort, provided that all child
31 | care personnel of the establishment are screened according to
32 | the level 2 screening requirements of chapter 435.

33 | (3) "Child care personnel" means all owners, operators,
34 | employees, and volunteers working in a child care facility. The
35 | term does not include persons who work in a child care facility
36 | after hours when children are not present or parents of children
37 | in Head Start. For purposes of screening, the term includes any
38 | member, over the age of 12 years, of a child care facility
39 | operator's family, or person, over the age of 12 years, residing
40 | with a child care facility operator if the child care facility
41 | is located in or adjacent to the home of the operator or if the
42 | family member of, or person residing with, the child care
43 | facility operator has any direct contact with the children in
44 | the facility during its hours of operation. Members of the
45 | operator's family or persons residing with the operator who are
46 | between the ages of 12 years and 18 years shall not be required
47 | to be fingerprinted but shall be screened for delinquency

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48 records. For purposes of screening, the term shall also include
49 persons who work in child care programs which provide care for
50 children 15 hours or more each week in public or nonpublic
51 schools, summer day camps, family day care homes, or those
52 programs otherwise exempted under s. 402.316. The term does not
53 include public or nonpublic school personnel who are providing
54 care during regular school hours, or after hours for activities
55 related to a school's program for grades kindergarten through
56 12. A volunteer who assists on an intermittent basis for less
57 than 40 hours per month is not included in the term "personnel"
58 for the purposes of screening and training, provided that the
59 volunteer is under direct and constant supervision by persons
60 who meet the personnel requirements of s. 402.305(2). Students
61 who observe and participate in a child care facility as a part
62 of their required coursework shall not be considered child care
63 personnel, provided such observation and participation are on an
64 intermittent basis and the students are under direct and
65 constant supervision of child care personnel.

66 (4) "Department" means the Department of Children and
67 Family Services.

68 (5) "Drop-in child care" means child care provided
69 occasionally in a child care facility in a shopping mall or
70 business establishment where a child is in care for no more than
71 a 4-hour period and the parent remains on the premises of the
72 shopping mall or business establishment at all times. Drop-in
73 child care arrangements shall meet all requirements for a child
74 care facility unless specifically exempted.

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75 (6) "Evening child care" means child care provided during
76 the evening hours and may encompass the hours of 6:00 p.m. to
77 7:00 a.m. to accommodate parents who work evenings and late-
78 night shifts.

79 (7) "Family day care home" means an occupied residence in
80 which child care is regularly provided for children from at
81 least two unrelated families and which receives a payment, fee,
82 or grant for any of the children receiving care, whether or not
83 operated for profit. Household children under 13 years of age,
84 when on the premises of the family day care home or on a field
85 trip with children enrolled in child care, shall be included in
86 the overall capacity of the licensed home. A family day care
87 home shall be allowed to provide care for one of the following
88 groups of children, which shall include household ~~those~~ children
89 under 13 years of age ~~who are related to the caregiver:~~

90 (a) A maximum of four children from birth to 12 months of
91 age.

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

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

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

99 (8) "Household children" means children who are related by
100 blood, marriage, or legal adoption to, or who are the legal
101 wards of the family day care home or large family child care
102 home operator, or an adult household member who permanently or

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103 temporarily resides in the home. Supervision of the operator's
104 household children shall be left to the discretion of the
105 operator unless those children receive subsidized child care to
106 be in the home.

107 (9)(8) "Large family child care home" means an occupied
108 residence in which child care is regularly provided for children
109 from at least two unrelated families, which receives a payment,
110 fee, or grant for any of the children receiving care, whether or
111 not operated for profit, and which has at least two full-time
112 child care personnel on the premises during the hours of
113 operation. One of the two full-time child care personnel must be
114 the owner or occupant of the residence. A large family child
115 care home must first have operated as a licensed family day care
116 home for 2 years, with an operator who has had a child
117 development associate credential or its equivalent for 1 year,
118 before seeking licensure as a large family child care home.
119 Household children under 13 years of age, when on the premises
120 of the large family child care home or on a field trip with
121 children enrolled in child care, shall be included in the
122 overall capacity of the licensed home. A large family child care
123 home shall be allowed to provide care for one of the following
124 groups of children, which shall include household ~~these~~ children
125 under 13 years of age ~~who are related to the caregiver:~~

126 (a) A maximum of 8 children from birth to 24 months of
127 age.

128 (b) A maximum of 12 children, with no more than 4 children
129 under 24 months of age.

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130 ~~(10)~~(9) "Indoor recreational facility" means an indoor
131 commercial facility which is established for the primary purpose
132 of entertaining children in a planned fitness environment
133 through equipment, games, and activities in conjunction with
134 food service and which provides child care for a particular
135 child no more than 4 hours on any one day. An indoor
136 recreational facility must be licensed as a child care facility
137 under s. 402.305, but is exempt from the minimum outdoor-square-
138 footage-per-child requirement specified in that section, if the
139 indoor recreational facility has, at a minimum, 3,000 square
140 feet of usable indoor floor space.

141 ~~(11)~~(10) "Local licensing agency" means any agency or
142 individual designated by the county to license child care
143 facilities.

144 ~~(12)~~(11) "Operator" means any onsite person ultimately
145 responsible for the overall operation of a child care facility,
146 whether or not he or she is the owner or administrator of such
147 facility.

148 ~~(13)~~(12) "Owner" means the person who is licensed to
149 operate the child care facility.

150 ~~(14)~~(13) "Screening" means the act of assessing the
151 background of child care personnel and volunteers and includes,
152 but is not limited to, employment history checks, local criminal
153 records checks through local law enforcement agencies,
154 fingerprinting for all purposes and checks in this subsection,
155 statewide criminal records checks through the Department of Law
156 Enforcement, and federal criminal records checks through the
157 Federal Bureau of Investigation.

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158 ~~(15)~~~~(14)~~ "Secretary" means the Secretary of Children and
159 Family Services.

160 ~~(16)~~~~(15)~~ "Substantial compliance" means that level of
161 adherence which is sufficient to safeguard the health, safety,
162 and well-being of all children under care. Substantial
163 compliance is greater than minimal adherence but not to the
164 level of absolute adherence. Where a violation or variation is
165 identified as the type which impacts, or can be reasonably
166 expected within 90 days to impact, the health, safety, or well-
167 being of a child, there is no substantial compliance.

168 ~~(17)~~~~(16)~~ "Weekend child care" means child care provided
169 between the hours of 6 p.m. on Friday and 6 a.m. on Monday.

170 Section 2. Section 402.318, Florida Statutes, is amended to
171 read:

172 402.318 Advertisement.—No person, as defined in s.
173 1.01(3), shall advertise or publish an advertisement for a child
174 care facility, family day care home, or large family child care
175 home without including within such advertisement the state or
176 local agency license number or registration number of such
177 facility or home. Violation of this section is a misdemeanor of
178 the first degree, punishable as provided in s. 775.082 or s.
179 775.083.

180 Section 3. This act shall take effect July 1, 2010.

COMMITTEE MEETING REPORT
Health Care Services Policy Committee

2/2/2010 9:00:00AM

Location: 306 HOB

HB 479 : Driver License Records

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Debbie Boyd	X				
Chris Dorworth	X				
Kurt Kelly	X				
Scott Plakon	X				
Scott Randolph	X				
Betty Reed	X				
Hazelle Rogers	X				
Dwayne Taylor	X				
John Tobia	X				
Trudi Williams	X				
John Wood	X				
Juan Zapata				X	
Paige Kreegel (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

HB 479 Driver License Records

Steven Fielder (Lobbyist) (State Employee) - Information Only
 Department of Highway Safety and Motor Vehicles, Director, Legislative Affairs
 2900 Apalachee parkway
 Tallahassee Florida
 Phone: (850) 617-3195

HB 479 Driver License Records

Joyce Sealey (Lobbyist) (State Employee) - Proponent
 DCF, Deputy Director, Legislative Affairs
 1317 Winewood Blvd.
 Tallahassee Florida 32399
 Phone: (850) 921-4808

Committee meeting was reported out: Tuesday, February 02, 2010 11:55:05AM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 479 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Health Care Services Policy
2 Committee

3 Representative Reed offered the following:

4
5 **Amendment (with title amendment)**

6 Remove line 31 and insert:

7 protective investigations under part III of chapter 39; to the
8 Department of Children and Family Services pursuant to an
9 interagency agreement specifying the number of employees in each
10 Department of Children and Family Services' region to be granted
11 entry for use

12
13
14 -----
15 **T I T L E A M E N D M E N T**

16 Remove line 5 and insert:

17 and Motor Vehicles to the Department of Children and Families
18 Services to be used for verification of identity



Committee on

Health Care Services Policy

Date 2/2/10

Action adopted

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Committee, but not on House Floor)

Amendment to Amendment 1
Amendment No. 1

Bill No. 479

(For filing with the Clerk, Committee and Member Amendments **must** be prepared on computer)

Representative(s)/The Committee on Wood / Health Care Services

offered the following amendment:

Amendment

on page 1, line 7,

Remove line 7 and insert:

protective investigations under Part III of
chapter 39 and chapter 415; to the

COMMITTEE MEETING REPORT
Health Care Services Policy Committee

2/2/2010 9:00:00AM

Location: 306 HOB

HB 487 : Licensing Standards for Child Care Facilities

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Gary Aubuchon	X				
Debbie Boyd	X				
Chris Dorworth	X				
Kurt Kelly	X				
Scott Plakon	X				
Scott Randolph	X				
Betty Reed	X				
Hazelle Rogers	X				
Dwayne Taylor	X				
John Tobia	X				
Trudi Williams	X				
John Wood	X				
Juan Zapata				X	
Paige Kreegel (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

HB 487 Licensing Standards for Child Care Facilities

Janet Mabry (Lobbyist) - Information Only

Florida Association of Child Care

2866 Bay Heather Circle

Gulf Breeze Florida 32563

Committee meeting was reported out: Tuesday, February 02, 2010 11:55:05AM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 487 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Health Care Services Policy
2 Committee

3 Representative Bovo offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 55-60 and insert:

7 2. Child care facilities must properly retrofit existing window
8 blinds, window coverings, pull cords, or inner cords in
9 accordance with this paragraph by January 1, 2011. For purposes
10 of this

11
12 -----
13 **T I T L E A M E N D M E N T**

14 Remove lines 5-6 and insert:

15 blinds and other window coverings; providing a