

By the Committee on Children, Families and Seniors and Senator Rossin

300-2017-98

1                                   A bill to be entitled  
2           An act relating to child care facilities;  
3           amending s. 402.305, F.S.; deleting obsolete  
4           provisions with respect to the licensure of  
5           child care facilities; authorizing the  
6           Department of Children and Family Services to  
7           adopt different standards for child care  
8           facilities that serve children of different  
9           ages; providing for the department to adopt the  
10          state public school building code for any child  
11          care program operated in a public school  
12          facility, regardless of the operator of the  
13          program; providing criteria for notification of  
14          transfer of ownership; providing an effective  
15          date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Subsections (1) and (5) of section 402.305,  
20 Florida Statutes, are amended and subsection (18) is added to  
21 that section to read:

22           402.305 Licensing standards; child care facilities.--

23           (1) LICENSING STANDARDS.--The department ~~state~~ shall  
24 establish licensing standards that each licensed child care  
25 facility must meet regardless of the origin or source of the  
26 fees used to operate the facility or the type of children  
27 served by the facility.

28           ~~(a) Until October 1, 1992, a child care facility that~~  
29 ~~holds a valid license must meet the licensing requirements in~~  
30 ~~effect on July 1, 1991. Beginning October 1, 1992, all such~~  
31

1 ~~facilities must comply with the licensing standards~~  
2 ~~established in this section.~~

3 ~~(a)(b)~~ The standards shall be designed to address the  
4 following areas:

5 1. The health, sanitation, safety, and adequate  
6 physical surroundings for all children in child care.

7 2. The health and nutrition of all children in child  
8 care.

9 3. The child development needs of all children in  
10 child care.

11 ~~(b)(c)~~ All standards established under ss.  
12 402.301-402.319 must be consistent with the rules adopted by  
13 the State Fire Marshal for child care facilities. However, if  
14 the facility is operated in a public school, the department  
15 shall use the public school fire code, as provided in the  
16 rules of the Department of Education, as the minimum standard  
17 for firesafety.

18 ~~(c)(d)~~ The minimum standards for child care facilities  
19 shall be adopted in the rules of the department and shall  
20 address the areas delineated in this section. The department,  
21 in adopting rules to establish minimum standards for child  
22 care facilities, shall recognize that different age groups of  
23 children may require different standards. The department may  
24 adopt different minimum standards for facilities that serve  
25 children in different age groups, including school-age  
26 children.

27 (5) PHYSICAL FACILITIES.--Minimum standards shall  
28 include requirements for building conditions, indoor play  
29 space, outdoor play space, napping space, bathroom facilities,  
30 food preparation facilities, outdoor equipment, and indoor  
31 equipment. Because of the nature and duration of drop-in child

1 care, outdoor play space and outdoor equipment shall not be  
2 required for licensure; however, if such play space and  
3 equipment are provided, then the minimum standards shall apply  
4 to drop-in child care. With respect to minimum standards for  
5 physical facilities of a child care program that is operated  
6 in a public school facility, the department shall adopt the  
7 State Uniform Building Code for Public Educational Facilities  
8 Construction as the minimum standards, regardless of the  
9 operator of the program. The Legislature intends that if a  
10 child care program is operated in a public school, the program  
11 need not conform to standards for physical facilities other  
12 than the standards adopted by the Commissioner of Education.

13 (18) TRANSFER OF OWNERSHIP.--

14 (a) One week prior to the transfer of ownership of a  
15 child care facility or family day care home, the transferor  
16 shall notify the parent or caretaker of each child of the  
17 impending transfer.

18 (b) The department shall, by rule, establish methods  
19 by which notice will be achieved and minimum standards by  
20 which to implement this subsection.

21 Section 2. This act shall take effect July 1, 1998.

22  
23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
24 COMMITTEE SUBSTITUTE FOR  
25 Senate Bill 1644

26  
27 A section is added to s. 402.305, F.S., regarding  
28 licensing standards, to require that parents be given  
29 notice of a transfer of ownership of a child care  
30 facility one week prior to that transfer and to direct  
31 the Department of Children and Family Services to develop  
rules.