

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 14, 1998 Revised: _____

Subject: Child Care Facilities

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	Crosby	Whiddon	CF	Favorable/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for Senate Bill 2092 excludes from the definition of “child care facility” operators of “transient establishments,” as defined in s. 509.013, F.S. Child care personnel must still meet level 2 screening requirements. This bill also provides for the Department of Children and Family Services to adopt different licensing standards for child care facilities that serve children of different ages, including those that serve school-age children. With respect to standards for physical facilities operated in a public school facility, the department shall adopt the State Uniform Building Code for Public Education Facilities Construction as the minimum standard. The bill further requires that parents be informed of an impending transfer of a child care facility’s ownership.

This act shall take effect upon becoming a law

This bill amends sections 402.302 and 402.305, Florida Statutes.

II. Present Situation:

Child Care Facilities--Exclusions

Pursuant to s. 402.302, F.S., regarding definitions, a “child care facility” includes any child care center or child care arrangement providing care to more than five children who are unrelated to the operator. Certain facilities are not included in the definition; these exclusions are:

- Public schools and non public schools and their integral programs, except as otherwise provided in this chapter;
- Summer camps having children in full-time residence;
- Summer day camps; and

- Bible camps normally conducted during vacation periods.

Pursuant to s. 402.302, F.S., regarding definitions, “drop-in child care” means care provided occasionally in a child care facility in a shopping mall or business establishment for no more than 4 hours when the parent remains on the premises at all times.

Section 509.013, F.S., defines “transient establishment” to mean “any public lodging establishment that is rented or leased to guests by an operator whose intention is that such guests’ occupancy will be temporary.”

Child Care Facility--Licensure

Section 402.305, F.S., consists of 17 subsections, all dealing with licensing and other standards for child care facilities. Section 402.305(1), F.S., addresses licensing standards. These standards must be designed to address the health, sanitation, safety, and adequate physical standards for children in care, as well as their nutritional and developmental needs. This subsection provides that all standards established under ss. 402.301-402.319, F.S., must be consistent with rules adopted by the State Fire Marshal for child care facilities. If a facility is operated in a public school, however, the department utilizes the public school fire code. This subsection also gives the department authority to establish minimum standards for child care facilities by rule.

Pursuant to s. 402.305(2), F.S., related to licensing standards, minimum standards for child care personnel, includes a level 2 background screening. There are certain exemptions to the screening requirement, listed at s. 402.302(3), F.S.; none are relevant to this bill.

Section 402.305(5), F.S., speaks to physical facilities, providing that the minimum standards must include requirements for building conditions, indoor play space, outdoor play space, napping space, bathroom facilities, food preparation facilities, outdoor equipment, and indoor equipment.

III. Effect of Proposed Changes:

Section 1 amends the term “child care facility” to exclude from this definition operators of “transient establishments,” as defined in s. 509.013, F.S., that provide child care solely for the benefit of their guests. All child care personnel, however, must be screened.

Section 2 amends s. 402.305(1), F.S., relating to licensing standards, to delete a now obsolete grandfather clause and to provide that, in adopting rules to establish minimum standards for child care facilities, the department will recognize that different age groups of children may require different standards. The department may, therefore, adopt different standards for facilities serving children in different age groups, including school-age children, thus eliminating the need to waive specific requirements on a case by case basis.

Section 402.305(5), F.S., relating to physical facilities, is amended to provide that, with respect to minimum standards for those facilities operated in a public school, the department shall adopt the State Uniform Building Code for Public Education Facilities Construction as the minimum

standard, regardless of the operator. The intent of this amendment is to provide that, in the event a child care program is operated in a public school, the program need only conform to standards for physical facilities which are adopted by the Commissioner of Education.

A new section is added to s. 402.305, F.S., relating to licensing standards, to provide that child care facility owners must notify parents 1 week prior to any transfer of ownership of the impending transfer of ownership.

Section 3 provides that this act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Temporary child care arrangements provided in transient establishments, which are presently subject to licensure as child care facilities and which are required to pay a licensing fee, will no longer require licensure.

C. Government Sector Impact:

Negligible.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Many hotels and resorts provide children's programs on-site for the benefit of their guests. The nature of the industry, however, makes it practically impossible for hotels and resorts to fully comply with all the regulations established for the full-service child care community.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
