

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

300-2098-98

1 A bill to be entitled
2 An act relating to child care facilities;
3 amending s. 402.302, F.S.; excluding operators
4 of transient establishments from the definition
5 of "child care facility"; amending s. 402.305,
6 F.S.; deleting obsolete provisions with respect
7 to the licensure of child care facilities;
8 authorizing the Department of Children and
9 Family Services to adopt different standards
10 for child care facilities that serve children
11 of different ages; providing for the department
12 to adopt the state public school building code
13 for any child care program operated in a public
14 school facility, regardless of the operator of
15 the program; providing criteria for
16 notification of transfer of ownership;
17 providing an effective date.

18

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

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21 Section 1. Subsection (2) of section 402.302, Florida
22 Statutes, is amended to read:

23

402.302 Definitions.--

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(2) "Child care facility" includes any child care
25 center or child care arrangement which provides child care for
26 more than five children unrelated to the operator and which
27 receives a payment, fee, or grant for any of the children
28 receiving care, wherever operated, and whether or not operated
29 for profit. The following are not included:

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

1 (b) Summer camps having children in full-time
2 residence;

3 (c) Summer day camps; ~~and~~

4 (d) Bible schools normally conducted during vacation
5 periods; ~~and~~;

6 (e) Operators of transient establishments, as defined
7 in chapter 509, which provide child care services solely for
8 the guests of their establishment or resort, provided that all
9 child care personnel of the establishment are screened
10 according to the level 2 screening requirements of chapter
11 435.

12 Section 2. Subsections (1) and (5) of section 402.305,
13 Florida Statutes, are amended and subsection (18) is added to
14 that section to read:

15 402.305 Licensing standards; child care facilities.--

16 (1) LICENSING STANDARDS.--The department ~~state~~ shall
17 establish licensing standards that each licensed child care
18 facility must meet regardless of the origin or source of the
19 fees used to operate the facility or the type of children
20 served by the facility.

21 ~~(a) Until October 1, 1992, a child care facility that~~
22 ~~holds a valid license must meet the licensing requirements in~~
23 ~~effect on July 1, 1991. Beginning October 1, 1992, all such~~
24 ~~facilities must comply with the licensing standards~~
25 ~~established in this section.~~

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

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

30 2. The health and nutrition of all children in child
31 care.

1 3. The child development needs of all children in
2 child care.

3 ~~(b)(c)~~ All standards established under ss.
4 402.301-402.319 must be consistent with the rules adopted by
5 the State Fire Marshal for child care facilities. However, if
6 the facility is operated in a public school, the department
7 shall use the public school fire code, as provided in the
8 rules of the Department of Education, as the minimum standard
9 for firesafety.

10 ~~(c)(d)~~ The minimum standards for child care facilities
11 shall be adopted in the rules of the department and shall
12 address the areas delineated in this section. The department,
13 in adopting rules to establish minimum standards for child
14 care facilities, shall recognize that different age groups of
15 children may require different standards. The department may
16 adopt different minimum standards for facilities that serve
17 children in different age groups, including school-age
18 children.

19 (5) PHYSICAL FACILITIES.--Minimum standards shall
20 include requirements for building conditions, indoor play
21 space, outdoor play space, napping space, bathroom facilities,
22 food preparation facilities, outdoor equipment, and indoor
23 equipment. Because of the nature and duration of drop-in child
24 care, outdoor play space and outdoor equipment shall not be
25 required for licensure; however, if such play space and
26 equipment are provided, then the minimum standards shall apply
27 to drop-in child care. With respect to minimum standards for
28 physical facilities of a child care program that is operated
29 in a public school facility, the department shall adopt the
30 State Uniform Building Code for Public Educational Facilities
31 Construction as the minimum standards, regardless of the

1 operator of the program. The Legislature intends that if a
2 child care program is operated in a public school, the program
3 need not conform to standards for physical facilities other
4 than the standards adopted by the Commissioner of Education.

5 (18) TRANSFER OF OWNERSHIP.--

6 (a) One week prior to the transfer of ownership of a
7 child care facility or family day care home, the transferor
8 shall notify the parent or caretaker of each child of the
9 impending transfer.

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

13 Section 3. This act shall take effect upon becoming a
14 law.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 2092

19 Reference to the term "transient establishments" is clarified
20 to mean as defined in chapter 509, F.S.

21 The Department of Children and Family Services is directed to
22 adopt the State Uniform Building Code for Public Educational
23 facilities for child care programs operated in public school
24 facilities.

23 The Department of Children and Family Services is authorized
24 to adopt different licensing standards for child care
25 facilities which serve children of different ages.

25 Child care facilities are required to notify parents one week
26 prior to a conveyance of ownership as defined in chapter 509,
27 F.S.