

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; amending
17 s. 409.178, F.S.; conforming title of the
18 partnership program; revising membership of the
19 partnership; authorizing administration of
20 child care purchasing pool funds by the state
21 resource and referral agency; providing for
22 development of procedures for disbursement of
23 funds through the child care purchasing pools;
24 deleting references to pilot child care
25 purchasing pools; revising parent fee
26 requirements; providing an effective date.

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

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

1 402.302 Definitions.--

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

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

10 (b) Summer camps having children in full-time
11 residence;

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

13 (d) Bible schools normally conducted during vacation
14 periods; ~~and~~

15 (e) Operators of transient establishments, as defined
16 in chapter 509, which provide child care services solely for
17 the guests of their establishment or resort, provided that all
18 child care personnel of the establishment are screened
19 according to the level 2 screening requirements of chapter
20 435.

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

24 402.305 Licensing standards; child care facilities.--

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

30 ~~(a) Until October 1, 1992, a child care facility that~~
31 ~~holds a valid license must meet the licensing requirements in~~

1 ~~effect on July 1, 1991. Beginning October 1, 1992, all such~~
2 ~~facilities must comply with the licensing standards~~
3 ~~established in this section.~~

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

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

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

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

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

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

28 (5) PHYSICAL FACILITIES.--Minimum standards shall
29 include requirements for building conditions, indoor play
30 space, outdoor play space, napping space, bathroom facilities,
31 food preparation facilities, outdoor equipment, and indoor

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

16 (18) TRANSFER OF OWNERSHIP.--

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

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

24 Section 3. Subsections (1), (3), (4), and (5) of
25 section 409.178, Florida Statutes, are amended to read:

26 409.178 Child Care Partnership Act; findings and
27 intent; grant; limitation; rules.--

28 (1) This section may be cited as the "Child Care
29 Executive Partnership Act."

30 (3) There is created a body politic and corporate
31 known as the Child Care Executive Partnership which shall

1 establish and govern the Child Care Executive Partnership
2 Program. The purpose of the Child Care Executive Partnership
3 Program is to utilize state and federal funds as incentives
4 for matching local funds derived from local governments,
5 employers, charitable foundations, and other sources, so that
6 Florida communities may create local flexible partnerships
7 with employers. The Child Care Executive Partnership Program
8 funds shall be used at the discretion of local communities to
9 meet the needs of ~~local communities in addressing the child~~
10 ~~care needs of~~ working parents. A child care purchasing pool
11 shall be developed with the state, federal, and local funds to
12 provide subsidies to low-income working parents who are
13 eligible for subsidized child care with a dollar-for-dollar
14 match from employers, local government, and other matching
15 contributions ~~contributors~~. The funds used from the child care
16 purchasing pool must be used to supplement or extend the use
17 of existing public or private funds and may not be used to
18 supplant the maintenance of effort presently exerted's by the
19 employer or other participant in the activity funded.

20 (4) The Child Care Executive Partnership, staffed by
21 the department, shall consist of:

22 ~~(a)~~ a representative of the Executive Office of the
23 Governor; and ~~;~~

24 ~~(b)~~ nine members of the corporate or child care
25 community, appointed by the Governor, ; ~~to be known hereafter~~
26 ~~as the "board."~~

27 ~~(c)~~ ~~One representative from each of the 10 Child Care~~
28 ~~Partnership Program pilot purchasing pool counties established~~
29 ~~by the board, known hereafter as the "oversight group."~~

30 (a) ~~1.~~ Members of the board shall serve for a period of
31 4 years, except that ~~;~~

1 ~~2. Members of the oversight group and the~~
2 representative of the Executive Office of the Governor shall
3 serve at the pleasure of the Governor.

4 ~~(b)3.~~ The Child Care Executive Partnership shall be
5 chaired by a member chosen by a majority vote ~~of the board~~ and
6 shall meet at least quarterly and at other times upon the call
7 of the chair.

8 ~~(c)4.~~ Members shall serve without compensation, but
9 may be reimbursed for per diem and travel expenses in
10 accordance with s. 112.061.

11 ~~(d)5.~~ The Child Care Executive Partnership shall have
12 all the powers and authority, not explicitly prohibited by
13 statute, necessary to carry out and effectuate the purposes of
14 this section, as well as the functions, duties, and
15 responsibilities of the partnership, including, but not
16 limited to, the following:

17 ~~1.a.~~ Assisting in the formulation and coordination of
18 the state's child care policy.

19 ~~2.b.~~ Adopting an official seal.

20 ~~3.c.~~ Soliciting, accepting, receiving, investing, and
21 expending funds from public or private sources.

22 ~~4.d.~~ Contracting with public or private entities as
23 necessary.

24 ~~5.e.~~ Approving an annual budget.

25 ~~6.f.~~ Carrying forward any unexpended state
26 appropriations into succeeding fiscal years.

27 ~~7.g.~~ Providing a report to the Governor, the Speaker
28 of the House of Representatives, and the President of the
29 Senate, on or before December 1 of each year.

30 (5)(a) The Legislature shall annually determine the
31 amount of state or federal low-income child care moneys which

1 shall be used to create Child Care Executive Partnership
2 Program child care purchasing pools in counties chosen by ~~the~~
3 ~~board of the Child Care Executive Partnership through June 30,~~
4 ~~1998~~, provided that at least two of the counties have
5 populations of no more than 300,000. ~~After that date,~~The
6 Legislature shall annually review the effectiveness of the
7 child care purchasing pool program and reevaluate the
8 percentage of additional state or federal funds, if any, that
9 can be used for the program's expansion.

10 (b) To ensure a seamless service delivery and ease of
11 access for families, the community coordinated child care
12 agencies or the state resource and referral agency shall
13 administer the child care purchasing pool funds.

14 (c) The department, in conjunction with the Child Care
15 Executive Partnership, shall develop procedures for
16 disbursement of funds through the ~~shall issue a request for~~
17 ~~proposal for the operation of the pilot~~ child care purchasing
18 pools. In order to be considered for funding, the community
19 coordinated child care agency or the statewide resource and
20 referral agency must commit to:

21 1. Matching the state ~~pilot~~ purchasing pool funds on a
22 dollar-for-dollar basis; and

23 2. Expending only those public funds which are matched
24 by employers, local government, and other matching
25 contributors who contribute to the ~~pilot~~ purchasing pool.
26 Parents shall also pay a fee, which shall be not less than the
27 amount identified in ~~based upon~~ the department's subsidized
28 child care sliding fee scale.

29 (d) Each community coordinated child care agency shall
30 be required to establish a community child care task force for
31 each ~~pilot~~ child care purchasing pool. The task force must be

1 composed of employers, parents, private child care providers,
2 and one representative each from the district interagency
3 coordinating council for children's services and the local
4 children's services council, if they exist in the area of the
5 ~~pilot~~ purchasing pool. The community coordinated child care
6 agency is expected to recruit the task force members from
7 existing child care councils, commissions, or task forces
8 already operating in the area of a ~~pilot~~ purchasing pool. A
9 majority of the task force shall consist of employers. Each
10 task force shall develop a plan for the use of child care
11 purchasing pool funds. The plan must show how many children
12 will be served by the ~~pilot~~ purchasing pool, how many will be
13 new to receiving child care services, and how the community
14 coordinated child care agency intends to attract new employers
15 and their employees to the program ~~pilot project~~.

16 Section 4. This act shall take effect upon becoming a
17 law.

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