

STORAGE NAME: h3765.cfe

DATE: April 3, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
Children and Family Empowerment
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3765

RELATING TO: Child care facilities;

SPONSOR(S): Representative Sindler

COMPANION BILL(S): SB 2092

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) Children and Family Empowerment
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

House Bill 3765 excludes from the definition of "child care facility" and thus from meeting licensing requirements under s. 402.305, F.S., transient establishments licensed under ch. 509, F.S., that provide child care services solely for their guests, provided all child care personnel of the establishment meet level 2 screening requirements of ch. 435, F.S. Presently, the statute does not exempt lodging, or transient establishments providing child care for their guests, from licensure.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Unless exempted from licensing requirements, all child care facilities must be licensed and meet licensing requirements under s. 402.305, F.S.

Subsection (2) of s. 402.302, F.S., defines child care facility as “. . . any child care arrangement which provides care for more than five children unrelated to the operator . . .” The only exclusions provided are:

- ▶ Public Schools and Non-Public Schools and their integral programs
- ▶ Summer Camps
- ▶ Summer Day Camps
- ▶ Bible Schools

Subsection (5) of s. 402.302, F.S., defines "Drop-in child care" as child care provided occasionally in a child care facility in a shopping mall or business establishment where a child is in care for no more than a 4-hour period and the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in child care arrangements must meet all requirements for a child care facility unless specifically exempted.

Subsection (10) of s. 509.013, F.S., defines "Transient establishment" as any public lodging establishment that is rented or leased to guests by an operator whose intention is that such guests' occupancy will be temporary.

Subsection (4) of s.509.013, F.S., defines "Public lodging establishment" as any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242, F.S. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103, F.S.

Presently, the statute does not exempt lodging or transient establishments providing child care for their guests, from licensure.

The level 2 screening requirements of chapter 435 include, but is not be limited to, employment history checks, fingerprinting and checks, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement, and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

B. EFFECT OF PROPOSED CHANGES:

House Bill 3765 excludes from the definition of "child care facility," and thus from meeting licensing requirements under s. 402.305, F.S., transient establishments licensed under ch. 509, F.S., that provide child care services solely for their guests, provided all child care personnel of the establishment meet level 2 screening

requirements of ch. 435, F.S. Presently, the statute does not exempt lodging or transient establishments providing child care for their guests from licensure.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

STORAGE NAME: h3765.cfe

DATE: April 3, 1998

PAGE 5

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 402.302, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amends subsection (2) of s. 402.302, F.S.

Excludes from the definition of "child care facility," and thus from meeting licensing requirements under s. 402.305, F.S., transient establishments licensed under ch. 509, F.S., that provide child care services solely for their guests, provided all child care personnel of the establishment meet level 2 screening requirements of ch. 435, F.S.

Section 2. Provides that the act takes effect upon becoming law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Temporary child care arrangements provided in transient lodging establishments, which are presently being licensed and inspected by either the department or local licensing agencies, and which are required to pay a licensing fee, will no longer require licensure nor regular monitoring. This will result in an indeterminable reduction in revenue generated by fees and reduction in the department's workload.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Temporary child care arrangements provided in transient lodging establishments, which are presently being licensed and inspected by either the department or local licensing agencies, and which are required to pay a licensing fee, will no longer require licensure nor regular monitoring.

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities

V. COMMENTS:

N/A

STORAGE NAME: h3765.cfe

DATE: April 3, 1998

PAGE 8

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON Children and Family Empowerment:

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