

By the Committee on Children & Family Empowerment and
Representative Sindler

1 A bill to be entitled
2 An act relating to child care; amending s.
3 402.302, F.S.; excluding licensed transient
4 establishments from the definition of "child
5 care facility"; amending s. 402.305, F.S.;
6 deleting obsolete provisions with respect to
7 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 for school-age
14 children operated in a public school facility,
15 regardless of the operator of the program;
16 providing criteria for notification of transfer
17 of ownership; amending s. 409.178, F.S.,
18 relating to the Child Care Executive
19 Partnership; conforming title of the
20 partnership program; revising membership of the
21 partnership; authorizing administration of
22 child care purchasing pool funds by the state
23 resource and referral agency; providing for
24 development of procedures for disbursement of
25 funds through the child care purchasing pools;
26 deleting references to pilot child care
27 purchasing pools; revising parent fee
28 requirements; providing an effective date.
29
30 Be It Enacted by the Legislature of the State of Florida:
31

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

3 402.302 Definitions.--

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

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

12 (b) Summer camps having children in full-time
13 residence;

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

15 (d) Bible schools normally conducted during vacation
16 periods; ~~and~~

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

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

26 402.305 Licensing standards; child care facilities.--

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

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

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

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

10 2. The health and nutrition of all children in child
11 care.

12 3. The child development needs of all children in
13 child care.

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

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

30 (5) PHYSICAL FACILITIES.--Minimum standards shall
31 include requirements for building conditions, indoor play

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

18 (18) TRANSFER OF OWNERSHIP.--

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

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

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

28 409.178 Child Care Executive Partnership Act; findings
29 and intent; grant; limitation; rules.--

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

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

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

24 (a) a representative of the Executive Office of the
25 Governor; ~~and~~

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

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

1 (a)1. Members of the board shall serve for a period of
2 4 years, except that-

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

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

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

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

19 1.a. Assisting in the formulation and coordination of
20 the state's child care policy.

21 2.b. Adopting an official seal.

22 3.c. Soliciting, accepting, receiving, investing, and
23 expending funds from public or private sources.

24 4.d. Contracting with public or private entities as
25 necessary.

26 5.e. Approving an annual budget.

27 6.f. Carrying forward any unexpended state
28 appropriations into succeeding fiscal years.

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

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

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

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

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

25 2. Expending only those public funds which are matched
26 by employers, local government, and other matching
27 contributors who contribute to the ~~pilot~~ purchasing pool.

28 Parents shall also pay a fee, which shall be not less than the
29 amount identified in ~~based upon~~ the department's subsidized
30 child care sliding fee scale.

31

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

19 Section 4. This act shall take effect upon becoming a
20 law.

21
22
23
24
25
26
27
28
29
30
31