

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1962
 SPONSOR: Senator Wasserman Schultz
 SUBJECT: Child Care Facilities
 DATE: April 2, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Herrin	Yeatman	CP	Favorable
2.	_____	_____	HP	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill requires each child care facility or private or nonpublic school within the 10-mile emergency planning zone of a nuclear power plant to establish an emergency management and emergency preparedness plan.

This bill amends section 402.305 of the Florida Statutes.

II. Present Situation:

Public School Standards for Student Discipline and School Safety

Section 1006.07(4), F.S., provides for district school board duties for student discipline and school safety, including emergency drills and emergency procedures. Specifically, the district school boards must develop policies and procedures for emergency drills and for actual emergencies, including, but not limited to fires, natural disasters, and bomb threats, for all the public schools of the district which comprise grades K-12.

District school boards must also establish model emergency management and emergency preparedness procedures for the following life-threatening emergencies:

- Weapon-use and hostage situations;
- Hazardous materials or toxic chemical spills;
- Weather emergencies, including hurricanes, tornadoes, and severe storms; and
- Exposure as a result of a manmade emergency.

School District Self-Assessments

School boards are required under s. 1006.07(6), F.S., to use the safety and security best practices developed by the Office of Program Policy Analysis and Government Accountability

(OPPAGA) to conduct a self-assessment of current district safety and security practices. The first best practices were developed for the 2001-2002 school year by OPPAGA and the Partnership for School Safety and Security and approved by the Commissioner of Education. These practices have been revised for 2002-2003.

Private Schools and Safety Standards

Section 1002.01(2), F.S., defines a private school as “an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level. . . .” This definition of a private school includes a parochial, religious, denominational, for-profit, or nonprofit school, but does not include home education programs. Private school enrollment for pre-kindergarten through grade 12 for 2001-02 was 354,541 students.¹ The Department of Education does not have jurisdiction over private schools. Section 1002.42, F.S., and Rule 6A-1.09512, Fla. Admin. Code, govern private schools, but do not require an emergency preparedness plan.

Department of Education’s Office of Safe Schools

The Office of Safe Schools within the Department of Education provides training and technical assistance as requested by school districts and schools. The office is currently undertaking emergency planning projects that include “model emergency guides for school bus drivers, regional crisis management conferences, development of a tool to help schools conduct effective emergency drills, review of school district emergency plans, and participation in terrorism-related school safety planning.”² In addition, the office reviews emergency plans at the district level and offers training service that includes preparation of an effective emergency plan with modifications depending on surrounding land uses. Private schools and child care facilities may participate in training classes offered by the office.

Child Care Facilities

Section 402.302(1), F.S., defines child care as the care and supervision of a child for period of less than 24 hours a day on a regular basis which supplements parental care and for which a payment, fee, or grant is received for the care. A child care facility, as defined in s. 402.302(2), F.S., is any child care center or arrangement which provides care for more than five children that are unrelated to the operator and a payment, fee, or grant, is received for care of any of the children. Section 402.3025, F.S., provides further limitations on what programs are deemed to be child care for the purposes of ss. 402.301-.319, F.S., relating to health and human services.

10-Mile Emergency Planning Zone

The Federal Emergency Management Agency (FEMA) is responsible for coordinating state and local radiological emergency planning and preparedness efforts for nuclear power plants. The Radiological Emergency Preparedness Program covers local and state emergency plans and preparedness efforts outside the physical boundaries of these facilities. The Nuclear Regulatory Commission is responsible for on-site activities at the nation’s nuclear facilities. Congress, in 1980, required communities located in a 10-mile Emergency Planning Zone for nuclear power

¹ See Florida Department of Education, *Florida’s Nonpublic Schools 2001-02 (Statistical Brief: Bureau of Education Information & Accountability Services)*, Series 2003-01B at 5 (July 2002).

² See http://www.firn.edu/doe/besss/em_plan/emerg_plan.htm.

plants to adequately plan and prepare for radiological emergencies. Following this legislation, the commission and the Environmental Protection Agency consulted with technical experts and scientists to establish the 10-mile Emergency Planning Zone that is now the standard for planning nationwide.³ Presently, there are three nuclear power plant facilities operating in Florida.

III. Effect of Proposed Changes:

Section 1 requires each child care facility or private or nonpublic school within the 10-mile emergency planning zone of a nuclear power plant to establish an emergency management and emergency preparedness plan. The plan must include effective protection actions, transportation resources and routes, relocation centers, procedures for sending and receipt of emergency information, and methods for notifying parents of the status and location of their children.

Section 2 provides the act shall take effect July 1, 2003.

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:

Private schools and child care facilities may incur some costs associated with their responsibilities for developing an emergency management and emergency preparedness plan. Various federal and state agencies do have expertise in this area and may be able to provide assistance. For example, FEMA regional offices have developed model crisis plans and procedures in a number of areas. The Department of Education's Office of Safe

³ Statement of Joseph Picciano, Acting Director of Region II, Federal Emergency Management Agency, Committee on Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings, and Emergency Management, U.S. House of Representatives, February 25, 2003.

Schools has training programs on emergency planning that are available to private schools.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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