

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: CS/SB 496

SPONSOR: Senator Lynn

SUBJECT: Family Child Care Homes

DATE: January 10, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dowds	Whiddon	CF	Fav/CS
2.			CP	
3.			AHS	
4.			AP	
5.				
6.				

I. Summary:

The committee substitute for SB 496 requires that all family day care homes be licensed which eliminates the option for a family day care home to be registered. A deadline of July 1, 2005, is provided for existing registered family day care homes to become licensed. The term "family day care" is updated and changed to "family child care." In addition, the minimum standards the Department of Children and Families is authorized to establish for family day care homes under s. 402.313, F.S., is expanded to allow for the development of safety requirements. The provisions of this bill are contingent upon the allocation of the positions necessary to provide for the licensure of the additional family day care homes now registered.

This bill substantially amends the following sections of the Florida Statutes: 125.0109, 166.0445, 402.27, 402.302, 402.3051, 402.306, 402.312, 402.313, 409.1671, and 627.70161. The bill also reenacts s. 400.953(3), of the Florida Statutes.

II. Present Situation:

The intent of child care regulation in Florida, as in most states, is to protect the health, safety, and well-being of the children, as well as to promote their emotional and intellectual development and care. In Florida, both child care centers and large family child care homes are required to be licensed pursuant to the licensing standards set forth in ss. 402.305 and 402.3131, F.S., respectively, unless certain exemptions are met. Child care centers are facilities that provide child care to more than five children who are unrelated to the operator and for whom a payment is received for the care (s. 402.302(2), F.S.). Large family child care homes are residences where child care is provided for up to 12 children, depending on the age of the children, for at least two unrelated families for a fee (s. 402.302(8), F.S.).

Family day care homes are a third child care arrangement permitted in Florida and are residences where child care is provided for between four and ten children, depending on the age of the children, from at least two unrelated families for a fee (s.402.302(7), F.S.). These family day care homes may choose not to be licensed unless the county licensing ordinance requires licensure or the board of county commissioners passes a resolution requiring licensure of family day care homes (s. 402.313(1), F.S.). The counties which have required licensure of family day care homes either by local ordinance or resolution are Alachua, Broward, Clay, Dade, Duval, Hillsborough, Nassau, Palm Beach, Pinellas, Polk, Sarasota, and St. Johns. Family day care homes either required or choosing to be licensed must meet minimum standards relative to staffing, training, immunization records, health, and enforcement, as well as reduced standards for evening care provided by municipalities and counties (s. 402.313(13), F.S.). Unlike licensing standards for child care centers or large family child care homes, these standards do not include minimum safety requirements. The licensing process includes inspections and enforcement actions to ensure that the required standards are met.

The Department of Children and Families is responsible for the licensure and enforcement of licensure standards for child care centers, family day care homes, and large family child care homes (ss. 402.301 through 402.319, F.S.), unless a county has chosen to assume the child care licensing responsibility pursuant to s. 402.306, F.S. Currently, seven counties have assumed the local licensing authority; Alachua, Brevard, Broward, Hillsborough, Palm Beach, and Sarasota. Of these counties, all require licensure of family day care homes, with the exception of Brevard.

Family day care homes which are not required or do not choose to be licensed must register annually with the department pursuant to s. 402.313(1)(a), F.S. Such registration requires that the following information be provided to the department: name of the operator and home, address of the home, number of children being served, a plan for a substitute caregiver in an emergency, proof that the criminal background and employment history check was completed, proof that the required 30-hour training program was completed and competency test passed, and proof that the immunization records are maintained. Registered family day care homes are not subject to standards for operation nor inspection. Currently, there are 2,845 family day care homes in the state that are registered.

The terminology used for child care provided in the home has shifted in recent years from “family day care” to “family child care.” This shift in terminology is reflected in the statutory references for “large family child care homes,” however, the term “family day care” still continues to be used for the original smaller home settings.

III. Effect of Proposed Changes:

The committee substitute for SB 496 requires that all family day care homes be licensed, eliminating the option for a family day care home to be registered. A deadline of July 1, 2005, is provided for existing registered family day care homes to become licensed. The term “family day care” is updated and changed to “family child care.” In addition, the minimum standards the department is authorized to establish for family day care homes under s. 402.313, F.S., is expanded to allow for the development of safety requirements. The provisions of this bill are contingent upon the allocation of the positions necessary to provide for the licensure of the additional family day care homes now registered.

Specifically, s. 402.313, F.S., is amended to delete the conditions under which a family day care home is required to be licensed and the requirements for registration. Instead, the section requires that all family day care homes be licensed and deletes references to the “registered” category of family day care homes. References to the “registered” category of family day care homes are also deleted from following sections: s. 125.0109, F.S., regarding county zoning regulation; s. 166.0445, F.S., regarding city zoning regulations; s. 402.207, F.S., regarding providing information to statewide child care resource and referral agencies; s. 402.3051, F.S., regarding the child care market rate; s. 402.306(3), F.S., regarding designating a local licensing agency and disseminating information; s. 402.312, F.S., regarding seeking an injunction to discontinue operation of the child care services; s. 409.1671, F.S., regarding the privatization of foster care and related services; and s. 627.70161, F.S., regarding residential property insurance coverage. Family day care homes registered as of June 30, 2004, are provided until July 1, 2005, to obtain a license.

The term “family day care” is updated and revised to “family child care” by this bill. Specifically, “family day care” is changed to “family child care” in ss. 125.0109, 166.0445, 402.27, 402.302, 402.3051, 402.306, 402.312, 402.313, 409.1671, and 627.70161, F.S. This bill is not revising the term “family day care” in every section of law where the term currently appears; therefore, the definition of “family day care home” in s. 402.302(7), F.S., is amended to provided for a definition of “family day care home or family child care home.”

Section 402.313, F.S., relating to minimum standards for licensure of family day care homes is amended to require the development of safety standards and to remove the stipulation that the reduced standards for evening child care applies only to municipalities and counties.

The bill makes further amendments to some of the sections already amended to reflect minor revisions that reflect current practice. Section 402.27(10), F.S., is amended to add large family child care homes to the child care settings that must provide the identified information to the statewide child care resource and referral agencies. The requirement in s. 402.313(2), F.S., that the department annually publish a directory of the family day care homes is amended to remove the direction that the information must be published in a directory. The department reports that this information is published through a web-site.

Section 400.953(3), F.S., stipulates when proof of the background screening conducted pursuant to s. 402.313, F.S., must be accepted in lieu of the employment screening required for home medical equipment provider personnel and is reenacted by the bill to incorporate the revision to s. 402.313, F.S., to eliminate registered family day care homes.

The bill takes effect July 1, 2004, but only if funds are allocated for the 30 additional positions that will be needed for licensing family child care homes

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Family day care homes that are currently registered would be subject to more stringent standards. It is anticipated that costs will be associated by the family day care homes in meeting these standards. However, parents of children in family day care homes will have assurances that certain minimum health and safety standards are being met.

C. Government Sector Impact:

The Department of Children and Families reports that this bill will require inspections of the 2,845 family day care homes currently not subject to licensure which will have a fiscal impact. Of these 2,845 family day care homes, 2,776 are regulated by the department and 69 are regulated by Brevard County which currently does not require licensure of family day care homes. The annual licensing of the homes regulated by the department will require a total of 27.5 licensing staff positions. This projection is based on a caseload standard of one licensing position per 100 family day care homes. In addition, a small amount of administrative support is needed to assist with the additional administrative workload bringing the total number of positions needed to 30. The department reports that the fiscal impact for these 30 positions will be \$1,734,630 for the first year (amount includes salaries, expenses, and OCO funding) and \$1,597,800 for recurring costs for subsequent years.

In addition, it is projected that the Brevard County licensing agency will require one position to perform the annual licensing function on the 69 family day care homes registered. The fiscal impact to Brevard County local government is estimated at \$57,276 for the first year and \$52,715 for recurring costs in subsequent years.

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.
