

By Senator Garcia

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1 A bill to be entitled
 2 An act relating to licensing standards for child care
 3 facilities; providing a short title; amending s.
 4 402.305, F.S.; providing minimum licensing
 5 requirements for window blinds and other window
 6 coverings; providing for facility liability under
 7 certain circumstances; providing a definition;
 8 authorizing the Department of Children and Family
 9 Services to provide certain information regarding
 10 window blinds and window coverings; providing an
 11 effective date.

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

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 15 Section 1. This act may be cited as the "John F. Serrano,
 16 Rachel Lou Napier, and Alexandra Ali Safety and Accountability
 17 Act."

18 Section 2. Subsection (5) of section 402.305, Florida
 19 Statutes, is amended to read:

20 402.305 Licensing standards; child care facilities.—

21 (5) PHYSICAL FACILITIES.—Minimum standards shall include
 22 requirements for building conditions, indoor play space, outdoor
 23 play space, napping space, bathroom facilities, food preparation
 24 facilities, outdoor equipment, and indoor equipment.

25 (a) Because of the nature and duration of drop-in child
 26 care, outdoor play space and outdoor equipment shall not be
 27 required for licensure; however, if such play space and
 28 equipment are provided, then the minimum standards shall apply
 29 to drop-in child care. With respect to minimum standards for

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30 physical facilities of a child care program for school-age
31 children which is operated in a public school facility, the
32 department shall adopt the State Uniform Building Code for
33 Public Educational Facilities Construction as the minimum
34 standards, regardless of the operator of the program. The
35 Legislature intends that if a child care program for school-age
36 children is operated in a public school, the program need not
37 conform to standards for physical facilities other than the
38 standards adopted by the Commissioner of Education.

39 (b) Minimum requirements for licensure of a child care
40 facility shall prohibit the use or installation of window blinds
41 or other window coverings with long dangling cords, pull cords,
42 or inner cords capable of forming a loop and which thereby pose
43 a risk of strangulation to young children. Window blinds and
44 other window coverings that have been manufactured or properly
45 retrofitted in a manner that eliminates long dangling cords,
46 pull cords, inner cords, or the formation of loops that pose a
47 risk of strangulation are not prohibited under this subsection.
48 Cordless window blinds are recommended and are in compliance
49 with this subsection.

50 1. When developing and periodically reviewing minimum
51 licensing requirements related to the safety and installation of
52 window blinds and other window coverings in child care
53 facilities, the department shall review and take into
54 consideration the recommendations of the United States Consumer
55 Product Safety Commission.

56 2. Child care facilities that do not properly retrofit
57 existing window blinds, window coverings, pull cords, or inner
58 cords in accordance with this paragraph by January 1, 2011,

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59 shall be held liable for civil damages for any act that is a
60 result of the failure to retrofit existing window blinds, window
61 coverings, pull cords, or inner cords. For purposes of this
62 subparagraph, "properly retrofit" means to modify in a manner
63 that eliminates long dangling cords or the formation of inner or
64 outer cord loops that pose a risk of child strangulation.

65 3. The department may provide information regarding
66 reduced-cost or no-cost options for retrofitting or replacing
67 unsafe window blinds and window coverings.

68 Section 3. This act shall take effect July 1, 2010.