

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

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

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

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

19 402.305 Licensing standards; child care facilities.—

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

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

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

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

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

55 2. Child care facilities that do not properly retrofit
56 existing window blinds, window coverings, pull cords, or inner

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57 ords in accordance with this paragraph by January 1, 2011,
58 shall be held liable for civil damages for any act that is a
59 result of the failure to retrofit existing window blinds, window
60 coverings, pull cords, or inner cords. For purposes of this
61 subparagraph, "properly retrofit" means to modify in a manner
62 that eliminates long dangling cords or the formation of inner or
63 outer cord loops that pose a risk of child strangulation.

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

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