

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: April 6, 1998 Revised: _____

Subject: Child Care Facilities

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	Crosby	Whiddon	CF	Favorable/CS
2.	_____	_____	CA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for Senate Bill 1644 provides for the Department of Children and Family Services to adopt different licensing standards for child care facilities that serve children of different ages, including those that serve school-age children. With respect to standards for physical facilities operated in a public school facility, the department shall adopt the State Uniform Building Code for Public Education Facilities Construction as the minimum standard. The bill requires that parents be informed of an impending transfer of a child care facility's ownership.

This act shall take effect July 1, 1998.

This bill substantially amends section 402.305, Florida Statutes.

II. Present Situation:

Florida's child care program is regulated pursuant to ss. 402.301-402.319, F.S. Currently, except for staff-child ratios, the department does not have the authority to establish separate standards for school-age child care programs but may waive certain requirements that do not apply to school-age children.

Section 402.305, F.S., consists of 17 subsections, all dealing with licensing and other standards for child care facilities. Section 402.305(1), F.S., addresses licensing standards. These standards must be designed to address the health, sanitation, safety, and adequate physical standards for children in care, as well as their nutritional and developmental needs. This subsection provides that all standards established under ss. 402.301-402.319, F.S., must be consistent with rules adopted by the State Fire Marshal for child care facilities. If a facility is operated in a public

school, however, the department utilizes the public school fire code. This subsection also gives the department authority to establish minimum standards for child care facilities by rule.

Section 402.305(5), F.S., speaks to physical facilities, providing that the minimum standards must include requirements for building conditions, indoor play space, outdoor play space, napping space, bathroom facilities, food preparation facilities, outdoor equipment, and indoor equipment.

III. Effect of Proposed Changes:

The Committee Substitute for Senate Bill 1644 provides the department with the authority to develop appropriate school-age child care standards. This will eliminate the need to waive specific requirements on a case by case basis and will permit the department to establish consistent standards for school-age child care.

Section 1 amends s. 402.305(1), F.S., relating to licensing standards, to delete a now obsolete grandfather clause and to provide that, in adopting rules to establish minimum standards for child care facilities, the department will recognize that different age groups of children may require different standards. The department may, therefore, adopt different standards for facilities serving children in different age groups, including school-age children.

Section 402.305(5), F.S., relating to physical facilities, is amended to provide that, with respect to minimum standards for those facilities operated in a public school, the department shall adopt the State Uniform Building Code for Public Education Facilities Construction as the minimum standard, regardless of the operator. The intent of this amendment is to provide that, in the event a child care program is operated in a public school, the program need only conform to standards for physical facilities which are adopted by the Commissioner of Education.

A new section is added to section 402.305, F.S., relating to licensing standards, to provide that child care facility owners must notify parents one week prior to any transfer of ownership of the impending transfer of ownership.

Section 2 provides that this act shall take effect July 1, 1998.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.