

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

**BILL:** CS/SB 416

**INTRODUCER:** Children, Families, and Elder Affairs Committee and Senator Ring

**SUBJECT:** Inspection of Licensed Child Care Facilities

**DATE:** March 6, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peterson	Hendon	CF	<b>Fav/CS</b>
2.	_____	_____	CA	_____
3.	_____	_____	AHS	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

CS/SB 416 requires the Department of Children and Families (DCF or department) or local licensing agency to provide each parent of a child attending a licensed child care facility, family day care home, or large family child care home with a copy of the facility’s inspection report within 72 hours after the report is completed and accepted.

This bill is expected to have a significant fiscal impact on the state and provides an effective date of July 1, 2013.

This bill creates an undesignated section of the Florida Statutes.

**II. Present Situation:**

**Licensing of Child Care Facilities**

Child care facilities in the state must meet licensing standards that are established by the Department of Children and Family Services.<sup>1</sup> A child care facility generally includes any child

<sup>1</sup> Section 402.305, F.S.

care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.<sup>2</sup>

The statute directs DCF to adopt minimum licensing standards by rule which must be designed to address each of the following areas:

- The health, sanitation, safety, and adequate physical surroundings for all children in child care.
- The health and nutrition of all children in child care.
- The child development needs of all children in child care.<sup>3</sup>

In addition, the law establishes minimum requirements with respect to:

- Personnel
- Staff Credentials
- Staff-to-Children Ratios
- Physical Facilities
- Square Footage Per Child
- Sanitation and Safety
- Nutritional Practices
- Admissions and Recordkeeping
- Transportation Safety
- Access
- Child Discipline
- Plan of Activities
- Urban Child Care Facilities
- Transition Periods (periods of arrival and departure)
- Evening and Weekend Child Care
- Specialized Child Care Facilities for the Care of Mildly Ill Children
- Transfer of Ownership<sup>4</sup>

The specific licensing criteria applicable to child care facilities that have been adopted by DCF are set forth in Chapter 65C-22 of the Florida Administrative Code.

The department inspects each child care facility a minimum of three times per year – once at initial application or renewal, as applicable, and routinely two more times – and may inspect more often, as appropriate, when a complaint is received. The annual inspection includes an examination of the premises, as well as all required records. In addition, child care facilities will be subject to a fire safety inspection locally. The law requires DCF to implement an abbreviated

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<sup>2</sup> Section 402.302(2), F.S.

<sup>3</sup> Section 402.305(1), F.S.

<sup>4</sup> Sections 402.305, 402.3055, 402.3057, F.S.

inspection plan for those facilities that have had no Class 1 or Class 2 violations for at least two consecutive years.<sup>5</sup>

Florida law permits a county that meets or exceeds the state's minimum licensing requirements to designate a local agency to license child care facilities or to contract with DCF to delegate administration of the standards to the department.<sup>6</sup> Currently, DCF is responsible for administering child care licensing in 62 of Florida's 67 counties. Five counties (Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota) administer their own inspections and licensure of child care facilities.<sup>7</sup> Inspections in these counties are conducted by the local licensing agency and also include a review of records and premises.<sup>8</sup>

All licensed child care facilities must display the license in a conspicuous location, together with each citation for a violation that resulted in disciplinary action within the last year, an explanation of the citation, and the corrective action taken.<sup>9</sup> A facility is also required to provide every parent of a child attending the facility with a brochure developed by the department that contains the following information: a statement that the facility is licensed and has met state licensing standards; a listing of the standards; a statement that more information about the licensure status of the facility may be obtained from DCF or the local licensing agency and the phone number to call; the phone number to the child abuse hotline; the issuance and expiration dates of the facility's license; and any other information deemed appropriate by DCF.<sup>10</sup>

Since 2001, DCF has posted all reports of inspections conducted by DCF and local licensing agencies online at: [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Parents may access the reports and review the information using a provider search feature that allows parents to locate and review records through a number of search criteria, including provider name and county of location. Licensing staff inspect child care facilities and homes utilizing electronic system software that allows staff to document compliance with the required minimum licensing standards. Inspection reports are signed on site by the owner, then archived to the website within 10 days, which allows time for supervisory review, quality assurance, and uploading.

### **Licensing of Family Day Care Homes**

The law also requires a family day care home either to obtain a license or to register annually with the department. A family day care home is an occupied residence in which child care is provided for children from at least two unrelated families for compensation. The maximum allowable number of children varies by the age of the children served.<sup>11</sup> A family day care home is required to be licensed if it is presently licensed under a county licensing ordinance or if the board of county commissioners passes a resolution requiring family day care homes to be licensed. If a family day care home is not subject to licensure or does not volunteer to be

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<sup>5</sup> Section 402.3115, F.S.

<sup>6</sup> Section 402.306(1), F.S.

<sup>7</sup> Florida Department of Children and Families, *Child Care Regulation Licensing Information*, available at <http://www.dcf.state.fl.us/programs/childcare/licensing.shtml> (last visited Jan. 30, 2013).

<sup>8</sup> Section 402.308(4), F.S.

<sup>9</sup> Section 402.3125(1), F.S.

<sup>10</sup> Section 402.3125(5), F.S.

<sup>11</sup> Section 402.302(8), F.S.

licensed, then it must register annually with DCF.<sup>12</sup> The department establishes by rule minimum standards for licensed family day care homes, which include requirements for staffing, training, maintenance of immunization records, minimum health and safety standards, reduced standards for the regulation of child care during evening hours by local governments, and enforcement of these standards.<sup>13</sup>

DCF conducts inspections of licensed family day care homes, but has limited authority to inspect homes that are registered, only. Licensed facilities are inspected twice a year, and may be inspected more often, as necessary, in response to a complaint. Facilities that register, only, are required to complete an annual health and safety home inspection self-evaluation checklist which must be signed by the operator of the home and provided to parents.<sup>14</sup> DCF also provides family day care homes with a brochure to provide parents that includes: a description of the requirements for family day care home registration, training, and fingerprinting and screening; a listing of counties that require licensure of these homes and a description of the licensing requirements; a statement that more information about the home's compliance with applicable requirements can be obtained by contacting the department or the local licensing agency and the appropriate phone number to call; the phone number to the child abuse hotline; and any other information deemed appropriate.<sup>15</sup>

### **Licensing of Large Family Child Care Homes**

A large family child care home, which is similar in definition to a family day care home, is required to be licensed by the department according to the minimum standards it establishes by rule. These standards include requirements for staffing, maintenance of immunization records, minimum health standards, minimum safety standards, minimum square footage, and enforcement of standards.<sup>16</sup> These facilities are inspected twice a year, and may be inspected more often, as necessary, in response to a complaint.

Currently, the department and local licensing agencies inspect approximately 6,770 child care facilities, 3,069 licensed family day care homes, and 432 large family child care homes annually.<sup>17</sup>

### **III. Effect of Proposed Changes:**

**Section 1** creates an undesignated section of the Florida Statutes that requires DCF or the local licensing agency to provide each parent of a child attending a licensed child care facility, family day care home, or large family child care home with a copy of the facility's inspection reports within 72 hours after the report is completed and accepted.

**Section 2** provides an effective date of July 1, 2013.

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<sup>12</sup> Section 402.313(1), F.S.

<sup>13</sup> Section 402.313(13), F.S.

<sup>14</sup> Section 402.313(7), F.S.

<sup>15</sup> Section 402.313(9), F.S.

<sup>16</sup> Section 402.3131(7), F.S.

<sup>17</sup> Florida Department of Children and Families, *Senate Bill 416 Staff Analysis and Economic Impact* (Jan. 28, 2013) (on file with the Senate Committee on Children, Families, and Elder Affairs).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

In order to provide parents with the report, DCF will need to maintain a database that tracks demographic information for each child in care. This information will need to be reported and updated by licensed facilities on an ongoing basis. The cost to the private sector is indeterminate because the cost will vary for each facility based on its size and turnover.

## C. Government Sector Impact:

The bill would require DCF to provide each parent a hard copy of the inspection report within 72 hours after it has been completed and accepted. To comply with the new requirement, DCF will need to develop a database that tracks demographic data, including contact information, for all children attending inspected facilities. Currently, there are approximately 700,000 children receiving care in facilities that are inspected. DCF estimates the cost to develop the database and provide the reports as follows:<sup>18</sup>

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<sup>18</sup> *Id.*

<b>Fiscal Impact</b>	<b>Fiscal Year 2013-14</b>	
<b>Agency/program</b>	<b>FTE</b>	<b>Total</b>
Database development		\$20,000
Database hardware and maintenance		\$24,000
Reports (printing, postage)		\$2,836,922
Administrative Support	5 (1/region)	\$266,279
<b>Total</b>		<b>\$3,147,201</b>

**VI. Technical Deficiencies:**

The bill covers only licensed child care facilities, but does not cover licensed family day care homes, and large family child care homes, which are also inspected.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Children, Families, and Elder Affairs on March 6, 2013:**

- The bill was amended to add family day care homes and large family child care homes, thereby addressing the technical deficiency.

- B. **Amendments:**

None.