

## CHAPTER 98-165

### Committee Substitute for Senate Bill No. 2092

An act relating to child care facilities; amending s. 402.302, F.S.; excluding operators of transient establishments from the definition of “child care facility”; amending s. 402.305, F.S.; deleting obsolete provisions with respect to the licensure of child care facilities; authorizing the Department of Children and Family Services to adopt different standards for child care facilities that serve children of different ages; providing for the department to adopt the state public school building code for any child care program operated in a public school facility, regardless of the operator of the program; providing criteria for notification of transfer of ownership; amending s. 409.178, F.S.; conforming title of the partnership program; revising membership of the partnership; authorizing administration of child care purchasing pool funds by the state resource and referral agency; providing for development of procedures for disbursement of funds through the child care purchasing pools; deleting references to pilot child care purchasing pools; revising parent fee requirements; providing an effective date.

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

Section 1. Subsection (2) of section 402.302, Florida Statutes, is amended to read:

402.302 Definitions.—

(2) “Child care facility” includes any child 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. The following are not included:

(a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025;

(b) Summer camps having children in full-time residence;

(c) Summer day camps; ~~and~~

(d) Bible schools normally conducted during vacation periods; ~~and~~

(e) Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435.

Section 2. Subsections (1) and (5) of section 402.305, Florida Statutes, are amended and subsection (18) is added to that section to read:

## 402.305 Licensing standards; child care facilities.—

(1) LICENSING STANDARDS.—The department state shall establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility.

~~(a) Until October 1, 1992, a child care facility that holds a valid license must meet the licensing requirements in effect on July 1, 1991. Beginning October 1, 1992, all such facilities must comply with the licensing standards established in this section.~~

~~(a)(b)~~ The standards shall be designed to address the following areas:

1. The health, sanitation, safety, and adequate physical surroundings for all children in child care.

2. The health and nutrition of all children in child care.

3. The child development needs of all children in child care.

~~(b)(c)~~ All standards established under ss. 402.301-402.319 must be consistent with the rules adopted by the State Fire Marshal for child care facilities. However, if the facility is operated in a public school, the department shall use the public school fire code, as provided in the rules of the Department of Education, as the minimum standard for firesafety.

~~(c)(d)~~ The minimum standards for child care facilities shall be adopted in the rules of the department and shall address the areas delineated in this section. The department, in adopting rules to establish minimum standards for child care facilities, shall recognize that different age groups of children may require different standards. The department may adopt different minimum standards for facilities that serve children in different age groups, including school-age children.

(5) PHYSICAL FACILITIES.—Minimum standards shall include requirements for building conditions, indoor play space, outdoor play space, napping space, bathroom facilities, food preparation facilities, outdoor equipment, and indoor equipment. Because of the nature and duration of drop-in child care, outdoor play space and outdoor equipment shall not be required for licensure; however, if such play space and equipment are provided, then the minimum standards shall apply to drop-in child care. With respect to minimum standards for physical facilities of a child care program for school-age children which is operated in a public school facility, the department shall adopt the State Uniform Building Code for Public Educational Facilities Construction as the minimum standards, regardless of the operator of the program. The Legislature intends that if a child care program for school-age children is operated in a public school, the program need not conform to standards for physical facilities other than the standards adopted by the Commissioner of Education.

(18) TRANSFER OF OWNERSHIP.—

(a) One week prior to the transfer of ownership of a child care facility or family day care home, the transferor shall notify the parent or caretaker of each child of the impending transfer.

(b) The department shall, by rule, establish methods by which notice will be achieved and minimum standards by which to implement this subsection.

Section 3. Subsections (1), (3), (4), and (5) of section 409.178, Florida Statutes, are amended to read:

409.178 Child Care Partnership Act; findings and intent; grant; limitation; rules.—

(1) This section may be cited as the “Child Care Executive Partnership Act.”

(3) There is created a body politic and corporate known as the Child Care Executive Partnership which shall establish and govern the Child Care Executive Partnership Program. The purpose of the Child Care Executive Partnership Program is to utilize state and federal funds as incentives for matching local funds derived from local governments, employers, charitable foundations, and other sources, so that Florida communities may create local flexible partnerships with employers. The Child Care Executive Partnership Program funds shall be used at the discretion of local communities to meet the needs of ~~local communities in addressing the child care needs of~~ working parents. A child care purchasing pool shall be developed with the state, federal, and local funds to provide subsidies to low-income working parents who are eligible for subsidized child care with a dollar-for-dollar match from employers, local government, and other matching contributions contributors. The funds used from the child care purchasing pool must be used to supplement or extend the use of existing public or private funds and may not be used to supplant the maintenance of effort presently exerted’s by the employer or other participant in the activity funded.

(4) The Child Care Executive Partnership, staffed by the department, shall consist of:

(a) a representative of the Executive Office of the Governor; and-

(b) nine members of the corporate or child care community, appointed by the Governor, ~~to be known hereafter as the “board.”~~

~~(c) One representative from each of the 10 Child Care Partnership Program pilot purchasing pool counties established by the board, known hereafter as the “oversight group.”~~

~~(a)1. Members of the board shall serve for a period of 4 years, except that.~~

~~2. Members of the oversight group and the representative of the Executive Office of the Governor shall serve at the pleasure of the Governor.~~

~~(b)3. The Child Care Executive Partnership shall be chaired by a member chosen by a majority vote of the board and shall meet at least quarterly and at other times upon the call of the chair.~~

(c)4. Members shall serve without compensation, but may be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(d)5. The Child Care Executive Partnership shall have all the powers and authority, not explicitly prohibited by statute, necessary to carry out and effectuate the purposes of this section, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:

1.a. Assisting in the formulation and coordination of the state's child care policy.

2.b. Adopting an official seal.

3.c. Soliciting, accepting, receiving, investing, and expending funds from public or private sources.

4.d. Contracting with public or private entities as necessary.

5.e. Approving an annual budget.

6.f. Carrying forward any unexpended state appropriations into succeeding fiscal years.

7.g. Providing a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, on or before December 1 of each year.

(5)(a) The Legislature shall annually determine the amount of state or federal low-income child care moneys which shall be used to create Child Care Executive Partnership Program child care purchasing pools in counties chosen by ~~the board of the Child Care Executive Partnership through June 30, 1998,~~ provided that at least two of the counties have populations of no more than 300,000. ~~After that date,~~ The Legislature shall annually review the effectiveness of the child care purchasing pool program and reevaluate the percentage of additional state or federal funds, if any, that can be used for the program's expansion.

(b) To ensure a seamless service delivery and ease of access for families, the community coordinated child care agencies or the state resource and referral agency shall administer the child care purchasing pool funds.

(c) The department, in conjunction with the Child Care Executive Partnership, shall develop procedures for disbursement of funds through the shall issue a request for proposal for the operation of the pilot child care purchasing pools. In order to be considered for funding, the community coordinated child care agency or the statewide resource and referral agency must commit to:

1. Matching the state ~~pilot~~ purchasing pool funds on a dollar-for-dollar basis; and

2. Expending only those public funds which are matched by employers, local government, and other matching contributors who contribute to the

~~pilot~~ purchasing pool. Parents shall also pay a fee, which shall be not less than the amount identified in ~~based upon~~ the department's subsidized child care sliding fee scale.

(d) Each community coordinated child care agency shall be required to establish a community child care task force for each ~~pilot~~ child care purchasing pool. The task force must be composed of employers, parents, private child care providers, and one representative each from the district interagency coordinating council for children's services and the local children's services council, if they exist in the area of the ~~pilot~~ purchasing pool. The community coordinated child care agency is expected to recruit the task force members from existing child care councils, commissions, or task forces already operating in the area of a ~~pilot~~ purchasing pool. A majority of the task force shall consist of employers. Each task force shall develop a plan for the use of child care purchasing pool funds. The plan must show how many children will be served by the ~~pilot~~ purchasing pool, how many will be new to receiving child care services, and how the community coordinated child care agency intends to attract new employers and their employees to the program ~~pilot project~~.

Section 4. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.