

## PCLB approved language as of January 5, 2011

with an overlay of language from

### Local Bill 01 as filed in the Legislature in 2011 in blue

1. **Family Child Care Home:** means an occupied residence in which child care is regularly provided for children from at least two unrelated households with or without compensation. A family child care home shall be allowed to provide care for one of the following groups of children, which shall include household preschool aged children whether present or not, and household school aged children under 13 years of age when on the premises of the family child care home or on a field trip with children enrolled in care.
  - A) A maximum of 6 children, if no more than 3 are under 18 months of age.
  - B) A maximum of 8 children, if no more than five are preschool age and of those five no more than three are under 18 months (*LB uses "of age"*) and of those three no more than two are under 12 months (*LB uses "of age"*).
2. **Large Family Child Care Home** – A large family child care home for the purposes of this rule, (*LB deleted "for the purpose of this rule,"*) means a home that is licensed under section 402.3131, F.S. A large family child care home means an occupied residence in which child care is regularly provided for children with or without compensation from at least two (2) unrelated households and which has at least two (2) full-time child care personnel on the premises during the hours of operation. One (1) of the two (2) full-time child care personnel must be the operator or the operator's substitute. A large family child care home must first have operated as a licensed family child care home for two (2) consecutive years, with an operator who has had a child development associate credential or its equivalent for one (1) year, before seeking licensure as a large family child care home. The two consecutive years of operation as a licensed family child care home must have been in the state of Florida (*LB does not include "in the state of Florida"*) and within five years of the date of application to operate a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:
  - A maximum of 8 children from birth to 24 months of age
  - A maximum of 12 children, with no more than 4 children under 24 months of ageLarge family child care homes must meet and comply with all standards of this rule (*LB uses "this paragraph"*) at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home in which case an additional employee (*LB uses "personnel"*) is not required.

## **Staff Recommendation:**

1. **Family Child Care Home:** means an occupied residence in which child care is regularly provided for children from at least two unrelated households with or without compensation. A family child care home shall be allowed to provide care for one of the following groups of children, which shall include household preschool aged children whether present or not, and household school aged children under 13 years of age when on the premises of the family child care home or on a field trip with children enrolled in care.

A) A maximum of 6 children, if no more than 3 are under 18 months of age. **(402.302(8) (b))**

**B) A maximum of 6 preschool aged children, if no more than three are under 18 months of age, and all are older than 12 months of age (402.302 (8)(c))**

C) A maximum of 8 children, if no more than five are preschool age and of those five no more than three are under 18 months **of age**, and of those three, no more than two are under 12 months **of age**.

2. **Large Family Child Care Home** – A large family child care home **for the purposes of this rule** means a home that is licensed under section 402.3131, F.S. A large family child care home means an occupied residence in which child care is regularly provided for children with or without compensation from at least two (2) unrelated households and which has at least two (2) full-time child care personnel on the premises during the hours of operation. One (1) of the two (2) full-time child care personnel must be the operator or the operator's substitute. A large family child care home must first have operated as a licensed family child care home for two (2) consecutive years, with an operator who has had a child development associate credential or its equivalent for one (1) year, before seeking licensure as a large family child care home. The two consecutive years of operation as a licensed family child care home must have been **in the state of Florida** and within five years of the date of application to operate a large family child care home. **A family child care home shall be allowed to provide care for one of the following groups of children, which shall include household preschool aged children whether present or not, and household school aged children under 13 years of age when on the premises of the family child care home or on a field trip with children enrolled in care:**

A) A maximum of 8 children from birth to 24 months of age

B) A maximum of 12 children, with no more than 4 children under 24 months of age

Large family child care homes must meet and comply with all standards of this **rule** at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home in which case an additional employee is not required.

Staff also recommends that if the Board approves new regulations for capacity changes that there would need to be an effective date of July 1, 2011, that would allow time for staff to properly record and post the changes and mail a notice to providers.

We would also request that there be a provision for CCLP staff to have up to sixty (60) days to issue the license after receiving an application for a change in capacity. Our regulations currently allow us 60 days to process a new license, a Change License request from a regular FCCH to move to Large Home status, and also for issuing a new license after change of ownership occurs. We would not envision taking 60 days in most cases. However, we are currently below full capacity in our staff and we expect that we would receive numerous requests to increase license capacities. We also continue to be required to issue new licenses that are already in progress and to assure that all renewals are made timely.

Staff would also like to point out that there are other areas in our regulations that providers would need to meet if these changes are approved by the Board. Providers who would want to increase their capacity would need to be able to

- show that they have the required indoor and outdoor space,
- age appropriate toys and equipment,
- adequate napping/sleeping space for the children, and
- appropriate number of bathroom facilities.

Additionally, the Legislature passed HB 139 that changes some aspects of F.S 402.302. This bill has not yet been signed by the Governor, but it probably will be. The effective date as Enrolled is July 1, 2011. There is new language in that bill that redefines household children as follows:

Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care shall be included in the overall capacity of the licensed home. (F.S. 402.302 (8))

“Household children” means children who are related by blood, marriage, or legal adoption to, or who are the legal wards of, the family day care home operator, the large family child care home operator, or an adult household member who permanently or temporarily resides in the home. Supervision of the operator’ household children shall be left to the discretion of the operator unless those children receive subsidized child care through the School Readiness Program pursuant to s. 411.0101 to be in the home. (F.S. 402.302 (9))

If this legislation becomes law, it will have an effect on how we calculate capacity.

#### BOARD ACTION FOR FAMILY CHILD CARE HOMES:

- To approve, modify or deny staff recommendations regarding capacity changes for Family Child Care Homes

#### BOARD ACTION FOR LARGE FAMILY CHILD CARE HOMES:

- To approve, modify or deny staff recommendations regarding capacity changes for Large Family Child Care Homes

#### BOARD ACTION FOR TIMEFRAMES:

- To approve, modify or deny staff recommendations for an effective date of July 1, 2011, for both Family Child Care Homes and Large Family Child Care Homes.
- To approve, modify or deny staff recommendations for up to 60 days to process applications for change of capacity for Family Child Care Homes.