

City of Gainesville

Inter-Office Communication

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To: Community Development Committee **Date:** March 15, 2005
From: Planning Division Staff
Subject: Family Child Care Homes and Large Family Child Care Homes

Background

In Florida, child care operations conducted from residences may be regulated by the State, County, and Municipal governments. Reviewing the role of each level of government is helpful.

State of Florida

The State of Florida regulates child care operations conducted from residences. State law provides for two types of such operations. Those operations are Family Child Care Homes (FCCHs) and Large Family Child Care Homes (LFCCHs).

FCCHs have been permitted for many years. The maximum number of children allowed at an FCCH is ten (See Attachment 1 for definitions.). State law requires local governments to allow FCCHs in all residential zoning districts.

More recently, the state developed the LFCCH, which allows a maximum of twelve children (See Attachment 1). In contrast to State Law regarding FCCHs, State Law contains no zoning or locational requirements for LFCCHs. In other words, the State has left those decisions to local governments. State Law, however, does limit LFCCHs to FCCHs that have operated for two years without certain violations.

State law also sets minimum licensing standards for local governments. Those are the standards that local governments require of the child care providers. There are State standards for both FCCHs and LFCCHs. Counties and cities may set additional or higher standards, but they cannot issue licenses to child care providers that do not meet the minimum set by the state.

Alachua County

Attachment 1 contains Alachua County's definitions for FCCH and LFCCH. Alachua County regulates these uses in two ways, through licenses and through zoning.

Licenses are issued by the Alachua County Health Department and are required of all FCCHs and LFCCHs, regardless of jurisdiction. Licenses are to protect the clients, and therefore, focus on operations and impacts on the children. For that reason, licensing regulates training, sanitation, personnel, meals, transportation, inspections and similar activities. In some areas, Alachua County standards exceed state standards. Attachment 2 gives more details regarding how Alachua County standards differ from State standards. In that document, Alachua County regulations are in regular type, and State regulations are in bold type.

Alachua County also uses zoning to regulate FCCHs and LFCCHs. Zoning protects the areas surrounding the child care home; therefore zoning regulates location and compatibility. Alachua

County zoning regulations only apply in the unincorporated portions of the County. As noted earlier, the State requires that local government permit FCCHs in all residential zoning districts. To simplify zoning administration and enforcement, Alachua County has chosen to also allow LFCCHs in all residential zoning districts.

In Alachua County, 31 of the County's 112 child care homes are located in the unincorporated part of the county, and the remaining 81 are located in the City of Gainesville. For that reason, compatibility with surrounding areas is less of an issue for Alachua County than for the City of Gainesville.

City of Gainesville

The City of Gainesville regulates these uses through zoning only. The City is not involved in child care licensing. As required by the State, the City allows FCCHs in all residential districts.

Issues

With the advent of the LFCCH by the State, the City must now decide whether or not to allow LFCCHs. If the city chooses to allow LFCCHs, the City must decide if any special conditions should be required for approval.

Potential negative impacts on surrounding neighborhoods include additional noise, insufficient or disorganized parking, child drop-off/pick-up safety, and aesthetics. Those issues must be balanced with the positive affects of providing a needed service and the City's desire to support small businesses.

The City may choose to follow the lead of the county and allow LFCCHs in all residential districts, without conditions; allow with conditions; or not permit LFCCHs at all.

If the City chooses to allow LFCCHs, the City must adopt a definition of LFCCH. In any event, the City should amend the existing definition for FCCHs because it is vague and confusing.

Recommendation

Staff recommends that the definition for FCCH be amended, that a definition for LFCCH be adopted, and that LFCCHs be allowed in all residential districts with the following conditions:

1. All LFCCHs must be licensed and approved by the Alachua County Health Department;
2. All LFCCHs must have a staff-approved Parking/Drop-off/Pick-up Plan;
3. All outdoor play areas must be located between the building and the rear property line;
4. All LFCCH Operators must certify that their primary residence is onsite; and
5. LFCCHs must have a minimum separation distance of 1,000 feet from other LFCCHs.

Explanation of Conditions for LFCCHs

1. **All LFCCHs must be licensed and approved by the Alachua County Health Department.** This condition assures that the operation is properly licensed.
2. **All LFCCHs must have a staff-approved Parking/Drop-off/Pick-up Plan.** This is a simple "Plot Plan" showing all structures, dimensions, distances, driveways, play areas, parking areas, and similar relevant information. The plan should show that the existing paved driveway would be used, not a new or altered driveway. Unpaved parking areas will not be permitted. This plan is intended to address safety issues when children are being picked up and dropped-off.
3. **All outdoor play areas must be located between the building and the rear property line.** This condition may partially address noise issues, and may involve completing a simple form.
4. **All LFCCH Operators must certify that their primary residence is onsite.** This condition may help ensure that residential operations are not converted to commercial operations. This would involve completing a simple form
5. **LFCCHs must have minimum separation distances from FCCHs and/or LFCCHs.** This is to prevent concentrations of LFCCHs. The same rationale is used for requiring separation distances between Community Residential Homes. The minimum separation distances for Community Residential Homes are 1,000 feet to 1,320 feet.

JW:RH

ATTACHMENT 1

Definitions (Family)

Florida Statutes: *Family day care home* means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day 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) A maximum of four children from birth to 12 months of age.
- (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- (c) A maximum of six preschool children if all are older than 12 months of age.
- (d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

Alachua County: *Family child care home* means a residence licensed by the local licensing agency in which child care is regularly provided for children from at least two unrelated families, but excludes large family child care homes.

Existing City of Gainesville: *Family day care home* means an occupied residence in which child care is regularly provided for no more than five preschool children from more than one unrelated family and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. The maximum number of five preschool children includes preschool children living in the home and preschool children received for day care who are not related to the resident caregiver. Elementary school siblings of the preschool children received for day care may also be cared for outside of school hours provided the total number of children, including the caregiver's own and those related to the caregiver, does not exceed ten. Such uses shall not include nursing and personal care facilities, schools, rehabilitation centers, social services homes or halfway houses, or other similar activities or facilities which are not customarily incidental to residential use.

ATTACHMENT 1

Definitions (Large Family Child Care Home)

Florida Statutes: *Large family child care home* means an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as 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) 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.

Alachua County: *Large family child care home* means a residence licensed by the local licensing agency in which child care is regularly provided for children from at least two unrelated families which is licensed to care for a greater number of children than allowed for a family child care home.

Child Care Facilities

1. 67.20 (3) Rules and Regulations training for new licensees within 6 months by the Child Care Board (Family Child Care Homes and Child Care Centers)
2. 67.21 (b)(1) TB assessment upon hire and every 2 years thereafter (Family Child Care Homes and Child care Centers)
FAC has no requirements regarding TB
3. 67.21 (c) 2 people with CPR and First Aid at all times (Child Care Centers)
FAC requires only one person with CPR and First Aid
4. 67.21 (d) Child Care Centers are required to have 2 people present at all times
FAC requires only one person to be present
5. 67.22 (a) Child Care centers on ground floor only
6. 67.22 (b) Child Care Centers with gas stoves or heaters shall have Carbon Monoxide detectors
7. 67.22 (2) (c) Centers must have 60 square feet of outdoor play area per child
FAC requires 45 square feet of outdoor play area per child
8. 67.22 (2)(d) Outdoor play area must have a minimum 6 foot fencing (Child Care Centers)
FAC requires at least 4 foot fencing
9. 67.23 (a) (2) 911 shall be called in case of medical emergency such as bleeding, first time seizure, loss of consciousness
10. 67.24 (a) In addition to transportation requirements in FAC, motor vehicle shall be equipped with a first aid kit an fire extinguisher.
11. 67.24 (c) children must wear a tag with the name and phone number of the child care facility
12. 67.24 (b) For each child transported a copy of the enrollment information and a copy of transportation agreement with the transportation log must be with the group
13. 67.27 Record Keeping
 - a) Within 15 days of enrollment the student health exam must be in child's file
 - b) Within 15 days of enrollment a copy of child's immunization must be in child's file
 - c) Enrollment information must be renewed annually

**FAC requires all of the above within 30 days of enrollment (a) (b)
Enrollment information must be kept current**

Family Child Care and Large Family Child Care

14. 67.30 (2) Rules and Regulations training for new licensees within 6 months of the issuance of the license
15. 67.30 (3) Prior to licensing homes must be approve by the local fire ordinance
16. 67.31 Prior to applying for a license, applicants shall comply with applicable zoning and land use regulations
17. 67.33 (b)(1) A 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 care giver:

- a. A maximum of four children from birth to 24 months
- b. A maximum of six children when at least three of the children are over 24 months;
- c. A maximum of six children over 24 months;
- d. A maximum of eight children if no more than five are preschool age, and of those five, no more than three are under 24 months, and of those three no more than two are under 112 months;
- e. A maximum of ten children over 24 months of age, if no more than five are preschool age.

Florida Statutes 402.302 (7) "Family Child Care" means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day 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) A maximum of four children from birth to 12 months of age.
- (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- (c) A maximum of six preschool children if all are older than 12 months of age.
- (d) A maximum of 10 children if no more than 5 are preschool age and , of those 5 , no more than 2 are under 12 months of age.

ATTACHMENT 2

Large Family Child Care Home

Before becoming licensed as a Large Family Child Care Home, the applicant must have operated as a licensed child care home for a minimum of 2 consecutive years with no Class I violations during the 2-consecutive year period.

67.33 (b) (2) 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 care giver:

- (a) A maximum of eight children from birth to 24 months of age;
- (b) A maximum of twelve children, with no more than four children under 24 months of age.

Florida Statutes 402.302 (8) provides the same ratio as above

67.33 (2) (c) Minimum age requirement. The licensee and substitute of a family child care home or large family child care home must be at least 21 years of age. There must be one staff member 21 years of age or older in charge at all times.

FAC requires the substitute of a large family child care to be at least 18 years of Age

67.34 (3) (b) Indoor space. There shall be adequate indoor play space per child in some part of the house specifically designated for this purpose, apart from the kitchens, bathrooms, pantries, and passageways leading to outdoor exits.

65C-20.013 (11) (b) (1) Indoor floor space and indoor equipment. A large family child care home must have 35 square feet of usable indoor floor space per child which does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.

67.34 (c) (1) Outdoor space. There shall be adequate outdoor play space on the premises. All yards shall have adult supervision when children are playing outdoors.

65C-20.013 (11) (c) 1. At all large family child care homes the outdoor play space shall be fenced, a minimum of 4 feet in height.

(2) All large family child care homes must have a minimum of 270 square feet of usable outdoor play space located on their property and which is exclusively used for the children attending or residing at the large family child care home.