

By the Committee on Children, Families, and Elder Affairs; and
Senator Book

586-04037-19

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1 A bill to be entitled
2 An act relating to government-sponsored recreation
3 programs; amending s. 402.302, F.S.; revising the
4 definition of the term "child care facility" to
5 exclude government-sponsored recreation programs;
6 defining the term "government-sponsored recreation
7 program"; amending s. 402.316, F.S.; providing an
8 exemption for government-sponsored recreation programs
9 from specified child care facility requirements;
10 providing that an otherwise exempt government-
11 sponsored recreation program may waive the exemption
12 by notifying the department; providing that such a
13 program may not withdraw its waiver of the exemption
14 and continue to operate; amending ss. 39.201, 402.305,
15 and 1002.82, F.S.; conforming cross-references;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Present subsections (9) through (18) of section
21 402.302, Florida Statutes, are redesignated as subsections (10)
22 through (19), respectively, a new subsection (9) is added to
23 that section, and paragraph (f) is added to subsection (2) of
24 that section, to read:

25 402.302 Definitions.—As used in this chapter, the term:

26 (2) "Child care facility" includes any child care center or
27 child care arrangement which provides child care for more than
28 five children unrelated to the operator and which receives a
29 payment, fee, or grant for any of the children receiving care,

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30 wherever operated, and whether or not operated for profit. The
31 following are not included:

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

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

35 (c) Summer day camps;

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

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

43 (f) Government-sponsored recreation programs.

44 (g) "Government-sponsored recreation program" means an
45 after-school recreation program for school-age children which has
46 organized, regularly scheduled activities, including educational
47 or enrichment activities, and which meets all of the following
48 requirements:

49 (a) Offers not more than 4 hours of programming per day.
50 However, the program may extend its hours in order to provide
51 services before school and on teacher planning days, holidays,
52 and intercessions that occur during the school district's
53 official calendar year.

54 (b) Is operated by a county or a municipality that has
55 adopted for the program by ordinance standards of care, which
56 include, but are not limited to, meeting minimum staff-to-
57 children ratios in accordance with s. 402.305(4) and rules
58 adopted by the department thereunder; ensuring that all

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59 personnel meet the requirements of ss. 402.302, 402.305, and
60 402.3055; meeting minimum facility, health, and safety
61 standards, including annual fire inspections conducted by the
62 city or county Fire Marshal; ensuring annual health inspections
63 are conducted by the Department of Health; conducting regular
64 inspection, cleaning, repair, and maintenance of buildings,
65 grounds, and equipment; ensuring at least one staff person
66 trained in cardiopulmonary resuscitation is present at all times
67 when children are present; setting standards related to the
68 provision of food; training program employees regarding working
69 with school-age children; engaging in activities designed to
70 address the ages, interests, and abilities of participants;
71 carrying out annual inspections of vehicles transporting
72 children; enforcing regulations related to the number of
73 children in vehicles in accordance with vehicle capacity and
74 searching vehicles after use to ensure no children are left in
75 the vehicle; ensuring custodial parents or guardians have
76 reasonable access to children while the children are in care;
77 developing age-appropriate policies relating to child discipline
78 practices and making such policies available to parents or
79 guardians at the time of registration.

80 (c) Has been certified by the county or municipality as
81 compliant with such standards of care and provides annual
82 attestation to the department of compliance with such standards
83 of care.

84 (d) Provides notice to the parent or guardian of each child
85 participating in the program that the program is not state-
86 licensed or advertised as a child care facility and provides
87 them with the county's or municipality's standards of care.

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88 (e) Does not receive funding through the Child Care
89 Development Block Grant of 2014, does not contract to provide a
90 school readiness program pursuant to s. 1002.88, and does not
91 have a Gold Seal Quality Care designation pursuant to s.
92 402.281.

93 Section 2. Subsections (1) and (3) of section 402.316,
94 Florida Statutes, are amended to read:

95 402.316 Exemptions.—

96 (1) The provisions of ss. 402.301-402.319, except for the
97 requirements regarding screening of child care personnel, do
98 ~~shall~~ not apply to a government-sponsored recreation program or
99 to a child care facility that ~~which~~ is an integral part of
100 church or parochial schools conducting regularly scheduled
101 classes, courses of study, or educational programs accredited
102 by, or by a member of, an organization that ~~which~~ publishes and
103 requires compliance with its standards for health, safety, and
104 sanitation. However, such facilities shall meet minimum
105 requirements of the applicable local governing body as to
106 health, sanitation, and safety and shall meet the screening
107 requirements pursuant to ss. 402.305 and 402.3055. Failure by a
108 facility to comply with such screening requirements shall result
109 in the loss of the facility's exemption from licensure.

110 (3) Any government-sponsored recreation program or child
111 care facility covered by the exemption provisions of subsection
112 (1) may waive the exemption, ~~but desiring to be included in this~~
113 ~~act, is authorized to do so~~ by submitting notification to the
114 department. Once licensed, such a program or facility may not
115 ~~cannot~~ withdraw from its waiver of the exemption, and except for
116 the requirements regarding screening of child care personnel,

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117 must continue to comply with ss. 402.301-402.319, in order to
118 continue in operation ~~the act and continue to operate.~~

119 Section 3. Subsection (6) of section 39.201, Florida
120 Statutes, is amended to read:

121 39.201 Mandatory reports of child abuse, abandonment, or
122 neglect; mandatory reports of death; central abuse hotline.—

123 (6) Information in the central abuse hotline may not be
124 used for employment screening, except as provided in s.

125 39.202(2) (a) and (h) or s. 402.302(16) ~~s. 402.302(15)~~.

126 Information in the central abuse hotline and the department's
127 automated abuse information system may be used by the
128 department, its authorized agents or contract providers, the
129 Department of Health, or county agencies as part of the
130 licensure or registration process pursuant to ss. 402.301-
131 402.319 and ss. 409.175-409.176. Pursuant to s. 39.202(2) (q),
132 the information in the central abuse hotline may also be used by
133 the Department of Education for purposes of educator
134 certification discipline and review.

135 Section 4. Paragraph (a) of subsection (2) of section
136 402.305, Florida Statutes, is amended to read:

137 402.305 Licensing standards; child care facilities.—

138 (2) PERSONNEL.—Minimum standards for child care personnel
139 shall include minimum requirements as to:

140 (a) Good moral character based upon screening as defined in
141 s. 402.302(16) ~~s. 402.302(15)~~. This screening shall be conducted
142 as provided in chapter 435, using the level 2 standards for
143 screening set forth in that chapter, and include employment
144 history checks, a search of criminal history records, sexual
145 predator and sexual offender registries, and child abuse and

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146 neglect registry of any state in which the current or
147 prospective child care personnel resided during the preceding 5
148 years.

149 Section 5. Paragraph (y) of subsection (2) of section
150 1002.82, Florida Statutes, is amended to read:

151 1002.82 Office of Early Learning; powers and duties.—

152 (2) The office shall:

153 (y) Establish staff-to-children ratios that do not exceed
154 the requirements of s. 402.302(8) or (12) ~~s. 402.302(8) or (11)~~
155 or s. 402.305(4), as applicable, for school readiness program
156 providers.

157 Section 6. This act shall take effect July 1, 2019.