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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2015	.	
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The Committee on Children, Families, and Elder Affairs (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (6) of section 402.301, Florida Statutes, is amended to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy.—It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual



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11 development and care. Toward that end:

12 (6) It is further the intent and policy of the Legislature
13 that membership organizations affiliated with national
14 organizations which serve only youth 6 to 18 years of age and
15 ~~which do not provide child care,~~ whose primary purpose is the
16 provision of after-school programs, delinquency prevention
17 programs, and providing activities that contribute to the
18 development of good character; which operate at least 5 days per
19 week; which are facility-based or school-based; ~~or good~~
20 ~~sportsmanship or to the education or cultural development of~~
21 ~~minors in this state,~~ which charge only a nominal annual
22 membership fee or no fee; ~~;~~ which are not for profit; ~~;~~ and which
23 are certified by their national associations as being in
24 compliance with the association's minimum standards and
25 procedures are shall not be considered child care facilities and
26 therefore are not subject to the licensure requirements or the
27 minimum standards for child care facilities, ~~their personnel~~
28 ~~shall not be required to be screened.~~ However, all personnel as
29 defined in s. 402.302 of such membership organizations shall
30 meet background screening requirements through the department
31 pursuant to ss. 402.305 and 402.3055.

32 Section 2. Subsection (2) of section 402.302, Florida
33 Statutes, to read:

34 402.302 Definitions.—As used in this chapter, the term:

35 (2) "Child care facility" includes any child care center or
36 child care arrangement which provides child care for more than
37 five children unrelated to the operator and which receives a
38 payment, fee, or grant for any of the children receiving care,
39 wherever operated, and whether or not operated for profit. The



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40 following are not included:

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

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

44 (c) Summer day camps;

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

47 (e) Operators of transient establishments, as defined in
48 chapter 509, which provide child care services solely for the
49 guests of their establishment or resort, provided that all child
50 care personnel of the establishment are screened according to
51 the level 2 screening requirements of chapter 435; ~~and-~~

52 (f) Membership organizations affiliated with national
53 organizations which serve only youth 6 to 18 years of age and
54 whose primary purpose is the provision of after-school programs,
55 delinquency prevention programs, and activities that contribute
56 to the development of good character; which operate at least 5
57 days per week; which are facility-based or school-based; which
58 charge only a nominal annual membership fee or no fee; which are
59 not for profit; and which are certified by their national
60 associations as being in compliance with the association's
61 minimum standards and procedures. However, all personnel as
62 defined in s. 402.302 of such membership organizations shall
63 meet background screening requirements through the department
64 pursuant to ss. 402.305 and 402.3055.

65 Section 3. Section 402.316, Florida Statutes, is amended to
66 read:

67 402.316 Exemptions.—

68 (1) The provisions of ss. 402.301-402.319, except for the



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69 requirements regarding screening of child care personnel, do
70 ~~shall~~ not apply to a child care facility which is an integral
71 part of church or parochial schools conducting regularly
72 scheduled classes, courses of study, or educational programs
73 accredited by, or by a member of, an organization which
74 publishes and requires compliance with its standards for health,
75 safety, and sanitation. However, such facilities shall meet
76 minimum requirements of the applicable local governing body as
77 to health, sanitation, and safety and shall meet the screening
78 requirements pursuant to ss. 402.305 and 402.3055. Failure by a
79 facility to comply with such screening requirements shall result
80 in the loss of the facility's exemption from licensure.

81 (2) The provisions of ss. 402.305-402.319, except for the
82 requirements regarding background screening of personnel, do not
83 apply to membership organizations affiliated with national
84 organizations which serve youth 6 to 18 years of age and whose
85 primary purpose is the provision of after-school programs,
86 delinquency prevention programs, and activities that contribute
87 to the development of good character; which operate at least 5
88 days per week; which are facility-based or school-based; which
89 charge only a nominal annual membership fee or no fee; which are
90 not for profit; and which are certified by their national
91 associations as being in compliance with the association's
92 minimum standards and procedures. However, all personnel as
93 defined in s. 402.302 of such membership organizations shall
94 meet background screening requirements through the department
95 pursuant to ss. 402.305 and 402.3055.

96 (3)~~(2)~~ Any county or city with state or local child care
97 licensing programs in existence on July 1, 1974, will continue



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98 to license the child care facilities as covered by such
99 programs, notwithstanding the provisions of subsection (1),
100 until and unless the licensing agency makes a determination to
101 exempt them.

102 ~~(4)(3)~~ Any child care facility covered by the exemption
103 provisions of subsection (1), but desiring to be included in
104 this act, is authorized to do so by submitting notification to
105 the department. Once licensed, such facility cannot withdraw
106 from the act and continue to operate.

107 Section 4. Section 402.3201, Florida Statutes, is created
108 to read:

109 402.3201 Not-for-Profit Standards Study Group.-

110 (1) The Legislature recognizes that not-for-profit after-
111 school programs provide important and much needed programs and
112 services to youth who are 6 to 18 years of age at little or no
113 cost to the youth.

114 (2) It is the intent of the Legislature to study the need
115 for minimum standards related to the health, sanitation, and
116 safety of youth who attend not-for-profit after-school programs.

117 (3) The Legislature hereby establishes a Not-for-Profit
118 Standards Study Group for the purpose of reviewing and making
119 recommendations related to the establishment of minimum
120 standards for not-for-profit after-school programs that are not
121 required to be licensed.

122 (4) The study group shall consist of 4 members who shall be
123 appointed by the Governor. Membership must include a
124 representative from the Florida Alliance of the Boys and Girls
125 Clubs, a representative from the Florida Afterschool Network, a
126 representative from the Florida After School Alliance, and a



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127 representative from a not-for-profit after-school program
128 provider.

129 (5) The study group shall make recommendations for
130 establishing reasonable and affordable minimum standards for
131 not-for-profit after-school programs that are not required to be
132 licensed.

133 (6) The study group shall submit a report to the Governor,
134 the President of the Senate, and the Speaker of the House of
135 Representatives by November 1, 2015.

136 Section 5. This act shall take effect July 1, 2015.

137 ===== T I T L E A M E N D M E N T =====

138 And the title is amended as follows:

139 Delete everything before the enacting clause
140 and insert:

141 A bill to be entitled
142 An act relating to membership organizations; amending
143 s. 402.301, F.S.; revising legislative intent and
144 policy; requiring all personnel of membership
145 organizations to meet specified background screening;
146 amending s. 402.302, F.S.; adding certain membership
147 organizations that are excluded from the definition of
148 the term "child care facility"; requiring all
149 personnel of membership organizations to meet
150 specified background screening; amending s. 402.316,
151 F.S.; providing that certain membership organizations
152 are exempt from specified provisions; requiring all
153 personnel of membership organizations to meet
154 specified background screening; creating s. 402.3201,
155 F.S.; providing legislative intent; creating a study



156 group; providing for membership; requiring the study
157 group to make recommendations and submit a report to
158 the Governor and the Legislature by a certain date;
159 providing an effective date.