



315116

LEGISLATIVE ACTION

Senate

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House

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Floor: 2/AD/2R

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04/23/2015 10:56 AM

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Senator Sobel moved the following:

Senate Amendment (with title amendment)

Between lines 452 and 453

insert:

Section 4. 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 development and care. Toward that end:



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12 (6) It is further the intent that membership organizations
13 affiliated with national organizations which do not provide
14 child care, whose primary purpose is providing activities that
15 contribute to the development of good character or good
16 sportsmanship or to the education or cultural development of
17 minors in this state, which charge only a nominal annual
18 membership fee, which are not for profit, and which are
19 certified by their national associations as being in compliance
20 with the association's minimum standards and procedures shall
21 not be considered child care facilities ~~and therefore, their~~
22 ~~personnel shall not be required to be screened.~~ However, all
23 personnel as defined in s. 402.302 of such membership
24 organizations shall meet background screening requirements
25 through the department pursuant to ss. 402.305 and 402.3055.

26 Section 5. Subsection (3) of section 402.302, Florida
27 Statutes, is amended to read:

28 402.302 Definitions.—As used in this chapter, the term:

29 (3) "Child care personnel" means all owners, operators,
30 employees, and volunteers working in a child care facility. The
31 term does not include persons who work in a child care facility
32 after hours when children are not present or parents of children
33 in a child care facility. For purposes of screening, the term
34 includes any member, over the age of 12 years, of a child care
35 facility operator's family, or person, over the age of 12 years,
36 residing with a child care facility operator if the child care
37 facility is located in or adjacent to the home of the operator
38 or if the family member of, or person residing with, the child
39 care facility operator has any direct contact with the children
40 in the facility during its hours of operation. Members of the



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41 operator's family or persons residing with the operator who are
42 between the ages of 12 years and 18 years are not required to be
43 fingerprinted but must be screened for delinquency records. For
44 purposes of screening, the term also includes persons who work
45 in child care programs that provide care for children 15 hours
46 or more each week in public or nonpublic schools, family day
47 care homes, membership organizations under s. 402.301, or
48 programs otherwise exempted under s. 402.316. The term does not
49 include public or nonpublic school personnel who are providing
50 care during regular school hours, or after hours for activities
51 related to a school's program for grades kindergarten through
52 12. A volunteer who assists on an intermittent basis for less
53 than 10 hours per month is not included in the term "personnel"
54 for the purposes of screening and training if a person who meets
55 the screening requirement of s. 402.305(2) is always present and
56 has the volunteer in his or her line of sight. Students who
57 observe and participate in a child care facility as a part of
58 their required coursework are not considered child care
59 personnel, provided such observation and participation are on an
60 intermittent basis and a person who meets the screening
61 requirement of s. 402.305(2) is always present and has the
62 student in his or her line of sight.

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete line 29

67 and insert:

68 level, rather than at the district level; amending s.
69 402.301, F.S.; requiring personnel of specified



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70 membership organizations to meet background screening
71 requirements; amending s. 402.302, F.S.; adding
72 personnel of specified membership organizations to the
73 definition of the term child care personnel; amending
74 s.