



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/01/2015	.	
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The Committee on Community Affairs (Hutson) 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 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. However, all personnel~~  
22 ~~as defined in s. 402.302 of such membership organizations shall~~  
23 ~~meet background screening requirements through the department~~  
24 ~~pursuant to ss. 402.305 and 402.3055.~~

25 Section 2. Subsection (5) of section 435.02, Florida  
26 Statutes, is amended to read:

27 435.02 Definitions.—For the purposes of this chapter, the  
28 term:

29 (5) "Specified agency" means the Department of Health, the  
30 Department of Children and Families, the Division of Vocational  
31 Rehabilitation within the Department of Education and any  
32 division within the Department of Education which conducts  
33 background screenings for after-school programs operated by not-  
34 for-profit organizations or municipal governments, the Agency  
35 for Health Care Administration, the Department of Elderly  
36 Affairs, the Department of Juvenile Justice, the Agency for  
37 Persons with Disabilities, and local licensing agencies approved  
38 pursuant to s. 402.307, when these agencies are conducting state  
39 and national criminal history background screening on persons



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40 who work with children or persons who are elderly or disabled.

41 Section 3. Section 1006.05, Florida Statutes, is created to  
42 read:

43 1006.05 After-school programs of not-for-profit  
44 organizations and municipal governments.-

45 (1) The Legislature finds that not-for-profit organizations  
46 and municipal governments that conduct after-school programs  
47 contribute to improved learning and the academic success of the  
48 children and youth who attend the organizations' or municipal  
49 governments' programs.

50 (2) As used in this section, the term "not-for-profit  
51 organization or municipal government" means a not-for-profit  
52 organization or municipal government after school program that  
53 meets all of the following criteria:

54 (a) Conducts school-based or facility-based after-school  
55 programs only for children and youth ages 6 to 18.

56 (b) Provides assistance through such programs with  
57 homework, delinquency prevention, life skills, and the  
58 development of good character.

59 (c) Operates 5 days a week or more during the school year  
60 and operates during school holidays and the summer months.

61 (d) Charges only a nominal fee or no fee.

62 (e) Meets the standards for quality set by the Not-for-  
63 Profit After School Program Standards Advisory Council if such  
64 standards are adopted by the Legislature.

65 (3) Sections 402.305-402.319 do not apply to not-for-profit  
66 organizations or municipal governments as defined in this  
67 section.

68 (4) A not-for-profit organization or municipal government



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69 providing an after-school program that is licensed pursuant to  
70 s. 402.305 before the effective date of this act may continue to  
71 be licensed under s. 402.305 by submitting a notification of its  
72 election to the Department of Children and Families.

73 (5) All child care personnel, as defined in s. 402.302, of  
74 a not-for-profit organization or municipal government must meet  
75 the background screening requirements of ss. 435.04 and 435.12  
76 through the Department of Education.

77 Section 4. Not-for-Profit After-School Program Standards  
78 Advisory Council.-

79 (1) The Not-for-Profit After-School Program Standards  
80 Advisory Council is created within the Department of Education  
81 to recommend reasonable and affordable minimum health,  
82 sanitation, and safety standards for after-school programs  
83 provided by not-for-profit organizations or municipal  
84 governments as defined in s. 1006.05, Florida Statutes.

85 (2) The advisory council must consist of the following:

86 (a) A member of the Senate appointed by the President of  
87 the Senate.

88 (b) A member of the House of Representatives appointed by  
89 the Speaker of the House of Representatives.

90 (c) The Commissioner of Education or his or her designee.

91 (d) Three members appointed by the Governor representing  
92 the Florida AfterSchool Network, the Florida Alliance of the  
93 Boys and Girls Clubs, and a provider of a not-for-profit after-  
94 school program.

95 (e) One member appointed by the Governor as a consumer  
96 representative whose child is attending or has attended an  
97 after-school program provided by a not-for-profit organization.



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98           (3) The advisory council shall submit a report to the  
99 Governor, the President of the Senate, and the Speaker of the  
100 House of Representatives by January 1, 2017.

101           Section 5. The Division of Law Revision and Information is  
102 directed to replace the phrase "the effective date of this act"  
103 wherever it occurs in this act with such date.

104           Section 6. This act shall take effect upon becoming a law.

105  
106 ===== T I T L E   A M E N D M E N T =====

107 And the title is amended as follows:

108           Delete everything before the enacting clause  
109 and insert:

110                                   A bill to be entitled  
111           An act relating to after-school programs; amending s.  
112           402.301, F.S.; deleting a legislative intent provision  
113           regarding certain not-for-profit organizations and  
114           background screening for such organizations; amending  
115           s. 435.02, F.S.; revising the term "specified agency"  
116           to include certain divisions within the Department of  
117           Education; creating s. 1006.05, F.S.; providing  
118           legislative findings; defining the term "not-for-  
119           profit organization or municipal government";  
120           providing applicability; authorizing such not-for-  
121           profit organizations or municipal governments to  
122           continue certain licensures; requiring child care  
123           personnel of the not-for-profit organizations or  
124           municipal governments to meet certain background  
125           screening requirements; creating an advisory council;  
126           providing for membership of the advisory council;



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127 requiring that the advisory council submit a report to  
128 the Governor and the Legislature by a specified date;  
129 providing a directive to the Division of Law Revision  
130 and Information; providing an effective date.