

By Senator Smith

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1 A bill to be entitled
2 An act relating to after-school programs; amending s.
3 402.301, F.S.; deleting a legislative intent provision
4 regarding certain not-for-profit organizations and
5 background screening for such organizations; creating
6 s. 1006.05, F.S.; providing legislative findings;
7 defining the term "not-for-profit organization";
8 requiring certain employees of not-for-profit
9 organizations to meet certain background screening
10 requirements; creating a study group; providing for
11 membership of the study group; requiring that the
12 study group make recommendations and submit a report
13 to the Governor and the Legislature by a specified
14 date; providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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

20 402.301 Child care facilities; legislative intent and
21 declaration of purpose and policy.—It is the legislative intent
22 to protect the health, safety, and well-being of the children of
23 the state and to promote their emotional and intellectual
24 development and care. Toward that end:

25 ~~(6) It is further the intent that membership organizations~~
26 ~~affiliated with national organizations which do not provide~~
27 ~~child care, whose primary purpose is providing activities that~~
28 ~~contribute to the development of good character or good~~
29 ~~sportsmanship or to the education or cultural development of~~

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30 ~~minors in this state, which charge only a nominal annual~~
31 ~~membership fee, which are not for profit, and which are~~
32 ~~certified by their national associations as being in compliance~~
33 ~~with the association's minimum standards and procedures shall~~
34 ~~not be considered child care facilities. However, all personnel~~
35 ~~as defined in s. 402.302 of such membership organizations shall~~
36 ~~meet background screening requirements through the department~~
37 ~~pursuant to ss. 402.305 and 402.3055.~~

38 Section 2. Section 1006.05, Florida Statutes, is created to
39 read:

40 1006.05 After-school programs of not-for-profit
41 organizations.—

42 (1) The Legislature finds that not-for-profit organizations
43 that conduct after-school programs contribute to improved
44 learning and the academic success of the children and youth who
45 attend the organization's programs.

46 (2) As used in this section, the term "not-for-profit
47 organization" means a not-for-profit organization that meets all
48 of the following criteria:

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

51 (b) Provides assistance through such programs with
52 homework, delinquency prevention, life skills, and the
53 development of good character.

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

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

57 (e) Meets the standards for quality set by the Not-for-
58 Profit After School Program Standards Study Group if such

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59 standards are adopted by the Legislature.

60 (3) Sections 402.305-402.319 do not apply to not-for-profit
61 organizations as defined in this section.

62 (4) An employee of a not-for-profit organization who works
63 directly with children and youth participating in an after-
64 school program must meet the background screening requirements
65 of ss. 435.04 and 435.12.

66 Section 3. Not-for-Profit After School Program Standards
67 Study Group.—

68 (1) The Not-for-Profit After School Program Standards Study
69 Group is created to recommend reasonable and affordable minimum
70 health, sanitation, and safety standards for after-school
71 programs provided by not-for-profit organizations as defined in
72 s. 1006.05, Florida Statutes.

73 (2) The study group consists of seven members and must
74 include:

75 (a) A member of the Senate appointed by the President of
76 the Senate.

77 (b) A member of the House of Representatives appointed by
78 the Speaker of the House of Representatives.

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

80 (d) Three members appointed by the Governor representing
81 the Florida AfterSchool Network, the Florida Alliance of the
82 Boys and Girls Clubs, and a provider of a not-for-profit after-
83 school program, respectively.

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

87 (3) The study group shall submit a report to the Governor,

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88 the President of the Senate, and the Speaker of the House of
89 Representatives by January 1, 2017.

90 Section 4. This act shall take effect upon becoming a law.